

CITY COUNCIL REPORT



Meeting Date: October 27, 2011

Charter Provision: *Provide for the orderly government and administration of the affairs of the City*

Objective: *Appoint Officials*

ACTION

Presiding City Judge Interviews and Selection:

- a) City Council members will interview and discuss the three (3) finalist Presiding City Judge candidates, as recommended by the Judicial Appointments Advisory Board, who are Judge John Lamb, Judge Joseph Olcavage and Judge Orest Jejna.
- b) City Council members will discuss the finalist candidates, and possibly take action in selecting the successful candidate for appointment to a two year term with an effective date and other employment terms to be discussed and determined by City Council. City Council may also provide direction to Human Resources regarding the offer of employment, terms of an employment agreement, and follow-up with the successful candidate in advance of the formal appointment which is presently scheduled for the December 6, 2011 council meeting

BACKGROUND

In accordance with Scottsdale Revised Code, Section 9-2 (a), City Council shall appoint, and may remove for cause, the city judge, associate city judges and judges pro tempore, as the City Council deems necessary. The Judicial Appointments Advisory Board (JAAB) shall make recommendations to the City Council, as provided in division 13, Article V of city code, relating to the initial appointment or reappointment of the city judge and associate city judges. The JAAB shall advertise notice to the public and licensed attorneys of the vacancy of a city judge position and make recommendations to the City Council on the best-qualified candidates to consider as full-time city judges. All board members shall consider all applicants in an impartial, objective manner, based only on the applicant's merit as a potential or incumbent city judge.

Effective with the conclusion of his current term on March 7, 2012, Presiding City Judge B. Monte Morgan will be retiring from the bench, and Human Resources and the Judicial Appointments Advisory Board (JAAB) collaboratively completed a comprehensive recruitment for his replacement (as outlined in Attachment 4), and in accordance with Scottsdale Revised Code, Chapter 2, Sections 2-352 and 2-353.

As required by Scottsdale Revised Code, Section 2-352 (E) (2), the JAAB personally interviewed six (6) candidates on September 24, 2011 in a public meeting:

Nancy Sorensen
Judge Orest Jejna
Judge Karl Eppich
Judge John Lamb
Caron Close
Judge Joseph Olcavage.

Upon careful screening, reference checking, and deliberation, the JAAB [through a unanimous vote of six (6) to zero (0)] is highly recommending three (3) best qualified candidates to move forward for interviews with the City Council, as required by Scottsdale Revised Code, Section 2-353:

Judge John Lamb, Superior Court Judge – Navajo County
Judge Joseph Olcavage, Scottsdale Associate City Judge
Judge Orest Jejna, Scottsdale Associate City Judge

A copy of each finalist candidate's Presiding City Judge application is attached and has been redacted in accordance with Scottsdale Revised Code, Section 2-353 (c), which states that the release of applicant information is subject to redaction of home addresses, phone numbers or other personal or confidential information.

The **DRAFT** minutes from the September 24, 2011 JAAB meeting (Attachment 6) are also included for Council's review and consideration.

Terry Welker, Executive Director of Human Resources is available for questions and consultation if requested by City Council.

ANALYSIS & ASSESSMENT

Community Involvement

The Council-appointed JAAB is a seven (7) member board made up of distinguished judges, attorneys and Scottsdale citizens and includes Judge Bruce Cohen, Scottsdale attorneys Donald Alvarez (Vice Chair) and Paul Rybarsyk (Chair), and citizens Francis Scanlon, Kenneth Weingarten and Dr. Ira Ehrlich. Presently, there is one vacant seat which is in the process of being filled through appointment by the Chief Justice of the Arizona Supreme Court (former Member Judge John Rea submitted his resignation effective August 25, 2011 due to no longer being a Scottsdale citizen and therefore being ineligible to continue to serve).

The recruitment process included the following steps:

July 25, 2011.....	Recruitment opened.
August 24, 2011.....	Recruitment closed (13 applications were submitted; 10 were forwarded to JAAB for consideration).
August 25, 2011.....	JAAB convened to review applications; Six (6) candidates were selected to interview with the JAAB.
September 24, 2011...	JAAB convened at 7:30 a.m. in <u>HR – Pinnacle Conference Room</u> to: <ul style="list-style-type: none">• Hear public comments* on all six (6) candidates being

- interviewed;
- Discuss the results of their due diligence reference checking in public with a provision to move into executive session, if necessary, to discuss any confidential information they may have received;
- Conduct interviews (interviews were recorded to allow City Council members to view later, at their convenience, for the provision of a thorough introduction of each candidate in advance of the interviews with City Council);
- Discuss and select the best qualified candidates to move forward for interviews with City Council.

*The JAAB did not receive any written public comments and only one public comment was made on September 24, 2011, by Janet Cornell, Scottsdale City Court Administrator. As extracted from the DRAFT meeting minutes, her comments are noted below:

2. PUBLIC COMMENT

Janet Cornell, City of Scottsdale Court Administrator, did not endorse a particular candidate, but asked that the Board consider the tasks that a Presiding Judge is responsible for when determining the applicants to move forward for interviews with City Council. They must be good at caseload management, be able to withstand critical reactions to their decisions, manage budgets, and allocate human resources. They must have high ethical practices and standards. The Court relies on the Presiding Judge to set a vision and make decisions, so it is important that they have prior experience as a judge. A person both new to judging and to administrative tasks would require a significant adjustment period.

She encouraged JAAB to consider candidates with direct prior judicial experience in a comparably sized city court. Because the Presiding Judge must handle judicial and administrative roles, they should possess copious energy, the ability to understand and comply with sometimes competing directives, and be dedicated to the justice system. The candidate should not have conflicts of interest from prior work, other events, or from personal affiliations. It is important that the Presiding Judge be able to assume their new position with as little disruption to the Court process and case conclusions as possible.

OPTIONS & STAFF RECOMMENDATION

Recommended Approach

Should City Council select a candidate to offer the Presiding City Judge position to, and/or determine the employment terms of the job offer, Human Resources staff is prepared to follow up accordingly with the successful candidate (if directed by Council) in advance of the formal appointment which is scheduled for December 6, 2011.

If City Council is not ready to make a selection on October 27, 2011, this action will have to be rescheduled for a council meeting prior to December 6, 2011. Human Resources is ready to follow up with any directives from City Council regarding the need for additional information or other

follow-up items, if any, prior to a selection being made.


RESPONSIBLE DEPARTMENT(S)

Human Resources

STAFF CONTACTS (S)

Terry Welker, Executive Director – Human Resources, twelker@scottsdaleaz.gov

APPROVED BY



Terry Welker, Interim Executive Director – Human Resources

11 OCT 2011
Date

(480) 312-2615, twelker@scottsdaleaz.gov

ATTACHMENTS

1. Judge John Lamb's Application for Presiding City Judge
2. Judge Joseph Olcavage's Application for Presiding City Judge
3. Judge Orest Jejna's Application for Presiding City Judge
4. Presiding City Judge Recruitment Timeline
5. JAAB Recommendation Letter from Paul Rybarsyk, Chair
6. **DRAFT** Meeting Minutes – September 24, 2011 JAAB Public Meeting

Judy Dewey PHR
Sr. Human Resource Analyst
Human Resources
City of Scottsdale
7575 E. Main Street
Scottsdale, AZ 85251

John Lamb


August 15, 2011

Dear Ms. Dewey:

I am applying for the position of Presiding City Judge for the City of Scottsdale. As requested in the brochure for the position I am enclosing the following:

1. This cover letter with my salary history below;
2. A copy of the Application I submitted by internet to your office on August 10, 2011;
3. A "comprehensive resume"; and
4. The judicial application with attachments.

I have the experience on the bench and in leadership roles in addition to my training in law and administration to uniquely qualify for the position.

Currently I am a Superior Court Judge for the State of Arizona in and for the County of Navajo. My service as both a general and limited jurisdiction judge for over 16 years has allowed me to hone the qualities that will allow me to succeed as a judge in your court: fairness, integrity, justice, compassion and knowledge of the law.

I also possess the formal training and experience to excel in the managerial side of the position. I attended a two year master's degree program (M.P.A.) in how to run public organizations like the Scottsdale City Court. Additionally, I started a one person sales company and built

Lamb cover letter page two

the organization into a company with over 100 people in three states. As the judicial application demonstrates I have held many other leadership positions in school and within my community.

I look forward to hearing from you.

Sincerely yours,



Judge John Lamb

Salary history in chronological order:

O'Connor, Cavanagh, Associate-

Lamb Financial Group, President-

Navajo County—Deputy Public Defender--

Navajo County and City of Holbrook, Justice of the Peace and Magistrate--

State of Arizona and Navajo County, Superior Court Judge—
per year.

JOHN NUGENT LAMB


EDUCATION

- **Northwestern University School of Law, 1984 - 1987**
 - President of the Student Bar Association
 - J.D. Degree
- **University of Texas at Austin, The Lyndon Baines Johnson School of Public Affairs, 1981 – 1983**
 - President of the Class
 - M.P.A. Degree
- **Stanford University, 1977 - 1981**
 - Student Senator
 - B.A. Degree in Sociology

EMPLOYMENT HISTORY

- **Judge**
 - State of Arizona Superior Court – Navajo County (1/2005 – Present)
 - Holbrook Justice Court (1/95 - 12/2004)
 - Holbrook Teen Court (9/96 - 12/2004)
 - Holbrook City Court (7/97 - 12/2004)
- **Criminal Litigation Attorney**
 - Navajo County Public Defender's Office (June 1992 - January 1995)
As part of my training for this job I attended the Maricopa County Public Defender's comprehensive three week trial training program. Also attended numerous seminars conducted by the Arizona Attorneys for Criminal Justice and the National Association of Criminal Defense Lawyers.
- **Business Owner**
 - Lamb Financial Group, President and Founder (January 1989 – June 1992)
Offices in Arizona, California and Colorado
- **Civil Litigation Attorney**
 - O'Conner, Cavanagh, et al.
Phoenix, Arizona
 - Summer Associates in the second half of Summer 1986
 - Associate June 1987 - August 1988
 - Baker & Botts
Houston, Texas
 - Summer Associate in the first half of Summer 1986

APPOINTED POSITIONS

- **Judicial College of Arizona (2000 – Present)**
 - **Co-Editor**
 - **Criminal Bench Book**
The book is used by judges to conduct trials and hearings and is updated yearly.
 - **Evidence for Limited Jurisdiction Judges**
Primer on evidence.
 - **Member of the Editorial Advisory Board for Wendell – The Arizona Judicial Reference Site, and the Arizona Judicial Law Review**
I review and edit submitted articles and approve or disapprove of their content.
 - **Member of the Faculty**
I have taught several judicially related courses to new judges.
 - **Member of New Judge Orientation Court Curriculum Committee**
The committee decides what courses and topics to teach new Arizona judges and reviews the test given to judges at the orientation program.
- **State Bar of Arizona**
 - **Member of Criminal Jury Instruction Committee (2005 - Present)**
This Committee drafts standard jury instructions used by judges throughout the state in criminal trials.
 - **Member of State Bar Conflicts Case Committee (2010 – Present)**
This committee processes, investigates and prosecutes disciplinary cases involving members of the State Bar's Board of Governors, State Bar staff, or the Court's Disciplinary Commission.
- **Arizona Supreme Court**
 - **Member of Court Leadership Institute of Arizona (2006 - 2009)**
 - **Member of Committee on Limited Jurisdiction Courts (2002 - 2004)**
 - **Mentor Judge (1997 – 2004)**
- **Arizona State Senate**
 - **Member of Arizona Legislature Joint Study Committee on State Funding of the Court System (2002)**
- **Northwestern University**
 - **Alumni Interviewer (2001 – Present)**
I annually interview law school applicants and submit a report with admission recommendation to the law school.
- **City of Holbrook**
 - **City Councilman (1992 – 1994)**



City of Scottsdale
APPLICATION FOR APPOINTMENT TO
THE SCOTTSDALE MUNICIPAL COURT

A. PERSONAL INFORMATION

1. Full name
John Nugent Lamb
2. Office address
[REDACTED]
3. Phone number
(928) [REDACTED]
4. Message phone number
(928) [REDACTED] Ext.
5. How long have you continuously resided in Arizona?
24

B. EDUCATIONAL BACKGROUND

6. List names and locations of schools attended (high school, college, and law), dates attended and degrees.
 Henry M. Gunn Sr. High School [REDACTED] H.S. diploma.
 Stanford University 1977-1981 B.A.
 Univ. of Texas--L.B.J. School of Public Affairs 1981-1983 M.P.A.
 Northwestern Univ. School of Law 1984-1987 J.D.
7. List major fields of study in college and law school/graduate school.
 Stanford: B.A. degree in Sociology;
 LBJ School: Master of Public Affairs--government administration; and
 Northwestern: J.D.--general study of law.
8. List awards, honors, citations and any other factors (e.g., employment) you consider relevant to your performance during law school and any other graduate school experience.
 LBJ School--elected Class President and elected Commencement Coordinator.
 Northwestern--selected to International Law Journal based on grades, but declined when elected President of the Student Bar Association (SBA)(the equivalent of Student Body President). The year of my presidency the National Student Bar Association selected our SBA one of the four best student bar associations in the country. During my law school summers I

worked for Baker & Botts, Houston, TX and O'Connor, Cavanagh Phoenix, AZ as a summer associate.

C. PROFESSIONAL BACKGROUND AND EXPERIENCE

9. Are you currently Arizona State Bar certified?

☒ **YES** ☐ **NO**

If "Yes", please provide your license number:

██████████

If "No", please indicate which state bar license(s) you currently hold and include the license number(s).

10. List all courts in which you have been admitted to the practice of law with dates of admission. Give the same information for administrative bodies which require special admission to practice.

State of Arizona 1988

11. Have you ever been denied admission to the Bar of any state?

☐ **YES** ☒ **NO**

If so, explain. (This would apply even if denial was temporary.)

12. Identify your present employment. List professional partners or associates, if any. You may attach a firm letterhead.

State of Arizona Superior Court in and for the County of Navajo.

13. List your prior professional or business employment since completion of your formal education.

Civil litigation attorney--O'Connor, Cavanagh Phoenix 6/87-8/88

President-Lamb Financial Group--Arizona, California, Colorado 1/89-6/92

Criminal litigation attorney--Navajo County Public Defender's Office Holbrook 6/92-1/95

Judge--Holbrook Justice Court 1/95-12/2004; Holbrook City Court 7/97-12/2004; Navajo County Superior Court 1/2005-present.

14. If you have not been continuously employed since completion of your formal education, describe what you did during the periods of unemployment or other professional inactivity in excess of three (3) months.

N/A

15. Describe the nature of your present law practice, listing the major areas of law in which you practice and the percentage each constitutes of your total practice.

Not applicable. As a judge, though, I currently handle civil, criminal, juvenile, probate, and family law matters.

16. List other areas of law in which you have practiced.

Previously I have been a civil defense litigation attorney and a criminal and juvenile defense litigation attorney.

17. Indicate any specialties for which you have applied for certification by the State Bar of Arizona and the results of that or of those applications.

n/a

18. Have you served regularly in a fiduciary capacity other than as a lawyer representing clients?

☒ **YES** ☐ **NO**

If so, give details.

Have acted as licensed life insurance agent as part of my company and as a trustee for my parents' estate plan.

19. Describe your experience as it relates to negotiating and drafting important legal documents, statutes and/or rules.

As a judge, I have drafted hundreds of orders, injunctions, minute entries, notices and written appellate decisions. As an attorney, I drafted numerous motions. In both capacities, I have analyzed and attempted to interpret statutes drafted by our legislature and court rules drafted by our Supreme Court.

20. Have you practiced in adversary proceedings before administrative boards of commissions?

☐ **YES** ☒ **NO**

If so, please state:

The agencies and the approximate number of adversary proceedings in which you appeared before each agency.

The approximate number of these matters in which you appeared as:

☐ Sole Counsel
☐ Chief Counsel
☐ Associate Counsel

21. Have you handled any matters that have been arbitrated or mediated?

☒ **YES** ☐ **NO**

If so, please state the approximate number of these matters in which you were involved as:

As a judge, I have acted as a mediator on hundreds of cases. As an attorney participated in thousands of plea negotiations, a type of mediation. Sole Counsel

_____ Chief Counsel

_____ Associate Counsel

22. List not more than three (3) contested matters that you negotiated to settlement.

1. State of Arizona v. Alexander Begay. 1994. Prosecutor: Ralph Hatch (currently Superior Court Judge) [REDACTED]. The defendant drove his truck onto I-40 traveling in the opposite direction of traffic at night with no headlights. He ran head-on into a car driven by a 34 year old family man who was killed instantly. The defendant abandoned his car and ran into an open field. Department of Public Safety Officer Otto Walters, [REDACTED] found the defendant the next day with a blood alcohol level still well above the legal limit. The defendant had numerous felony convictions. We negotiated a 10 year prison sentence. Personal significance: my first defense case with a deceased victim.

2. State of Arizona v. Eddie Valenzuela. 1993-1994. Prosecutor: Steve Blaine, no longer practicing and whereabouts unknown. The State charged the defendant, a Department of Corrections (DOC) inmate, with possession of a narcotic drug and possession of prison contraband (a class 2 felony) when, during a strip search, a small plastic wrapped amount of heroin fell from his gluteal fold. We settled the case before trial. Personal significance: my only case of "crack" heroin. The defendant was, also, the first DOC inmate I defended. When the inmate came out to the visiting booth wearing dark sunglasses and sporting extensive tatoos, I initially felt intimidated. I learned, however, that despite a tough veneer, almost every person has a soft spot somewhere in their personality. Furthermore, I learned that despite the dismal appearance of a case that if one delves deep enough there is always a defense.

3. State of Arizona v. Eddie Aragon. 1992 Prosecutor: Tom Wing (now retired) [REDACTED]. The state charged the defendant with felony criminal damage. The state then offered the defendant a plea that would reduce the crime to a misdemeanor with no jail time. The defendant rejected the offer. On the day of trial we had gathered 17 witnesses to impugn the character for truthfulness of the alleged victim after having moved and received from the court a ruling in limine allowing such testimony. On the day of the jury trial, after seeing the hallways filled with our witnesses, the prosecutor dismissed the case. Personal significance: extensive investigation, including placing an ad in a local paper, will pay dividends.

Please state as to each case:

(1) The date or period of the proceedings;

(2) The names and addresses of all counsel involved and the party each represented;

(3) A summary of the substance of each case;

(4) A statement of any particular significance of the case.

23. Have you represented clients in litigation in Federal or Arizona trial courts?

☒ **YES** ☐ **NO**

If so, please state:

The approximate number of cases in which you appeared before:

<u>0</u>	Federal Courts
<u>200</u>	State Courts of Record
<u>400</u>	Lower Court (Municipal/Justice)

The approximate percentage of those cases which have been:

<u>0%</u>	Civil
<u>100%</u>	Criminal

The approximate number of those cases in which you were:

<u>600</u>	Sole Counsel
_____	Chief Counsel
_____	Associate Counsel

24. Have you practiced in the Federal or Arizona appellate courts?

_____ **YES** ☒ **NO**

If so, please state:

The approximate number of your appeals which have been:

_____	Civil
_____	Criminal

The approximate number of matters in which you appeared:

As counsel of record on the brief:	In Arizona _____	In U.S. _____
Personally in oral argument:	In Arizona _____	In U.S. _____

25. Have you served as a judicial law clerk or staff attorney to a court?

_____ **YES** ☒ **NO**

If so, please state the name of the court and dates of service, and describe your experience.

26. List not more than three (3) cases in which you litigated or participated in as an attorney before mediators, arbitrators, administrative agencies, trial courts or appellate courts.

1. State of Arizona v. Joaquin Chee. 1994 jury trial held in Division I Navajo County Superior Court before the Honorable Thomas Wing. Prosecutor: Steven Alfrey--no longer practicing and location unknown. The State charged the defendant with threatening or intimidating, a class 1 misdemeanor and with threatening or intimidating to promote a street gang, a class 4 felony. Mr. Chee and I all but conceded the threat, but fought the felony aspect, claiming that Mr. Chee did not make the threat to further a street gang. The jury agreed with us. Significance: The legislature added the "in furtherance of a street gang" crime in 1990 and rewrote it in 1994. Mr. Chee's case was the first in our county asking a jury to interpret the new statute.

2. State of Arizona v. Billy Teems. 1994 jury trial held in the Holbrook Justice Court before the Honorable Lois Sizemore. Prosecutor: Kate Roberts now Kate Tabor [REDACTED] [REDACTED] The State charged the defendant with two crimes--driving under the influence of alcohol and driving with a blood alcohol level above .10 percent. The defendant's truck bypassed a police barricade composed of police officers, police cars and numerous pylons in front of and on our Little Colorado Bridge. Mr. Teems navigated through the barricade and pylons. Eventually the police pulled his vehicle over and arrested him. The jury acquitted Mr. Teems of the DUI charge and found him guilty of having a BAC above the legal limit. After we appealed the superior court granted us a trial de novo. The prosecutor then dismissed the charges against Mr. Teems. Significance: my first and only case of a jury splitting its verdict in a DUI trial.

3. State of Arizona v. Dennis Mullin. 1993 jury trial held in the Navajo County Superior Court Division III before the Honorable Bret Huggins. Prosecutor: David Brown, deceased. On a rural road outside Snowflake, AZ a silver Dodge Ram truck allegedly forced a car driven by a woman and containing two child passengers off the road. When the woman drove back onto the road, the truck driver followed her for several miles. During this time, the truck would drive up behind the car and ram the car. Finally, the vehicles reached the town of Snowflake and both pulled into a Circle K. The woman went inside. The truck driver filled his truck with gas and left without paying. Later the police stopped an intoxicated Dennis Mullin in a silver Dodge Ram. The state charged Mr. Mullin with having committed the crimes of DUI, theft (of the gas), and three counts of aggravated assault (on the woman driver and her two children). Significance: first case where I never met my client as he did not appear for his arraignment after posting bond. Despite the nature of the evidence and the absence of the defendant, the jury returned a verdict of not guilty on all felony charges and only found him guilty of the misdemeanor DUI.

Please state, as to each case:

(1) The date or period of the proceedings.

(2) The name of the court or agency and the name of the presiding judge or officer before whom the case was heard.

(3) The names and addresses of all counsel involved and the party each represented.

(4) A summary of the substance of each case.

(5) A statement of any particular significance of the case.

Attach sample copies of not more than two (2) briefs which you personally drafted.

27. Describe any additional experience you would like to bring to the attention of the Board.

See the questions below.

28. If you now serve or have previously served as a mediator, an arbitrator, a part-time or full-time judicial officer, or a quasi-judicial officer (e.g., administrative law judge, hearing officer, member of state agency tribunal, member of State Bar professionalism tribunal, member of military tribunal, etc.), give dates and details, including the courts or agencies involved, whether appointed or elected, periods of service, and a thorough description of your assignments at each court or agency. Please include information about the number and kinds of cases or duties you handled at each court or agency (e.g. jury or court trials, settlement conferences, contested hearings, administrative duties, etc.).

1. Elected Justice of the Peace for Navajo County Precinct 1. Re-elected twice without opposition and served from January 1, 1995 until my election to the Superior Court. As a justice court judge, in addition to supervising all personnel and administrative matters outside of the courtroom, in the courtroom I decided whether probable cause existed to bind a defendant over to superior court on felony matters at the preliminary hearing stage (usually had five hearings set per week); conducted initial appearances on misdemeanor and felony matters (2-3 per day); held arraignments and order to show cause hearings (50-100 per week); conducted pre-trial motion hearings (1-2 month); held forcible entry and detainer (recently re-named eviction) trials (4-5 per month); ruled on protective orders (5-10 per month); decided civil traffic hearings (3-4 per month); issued arrest and search warrants (5 per week), held bench and jury trials (1 per month). Our court handled approximately 7,500 filings per year.

After approximately two and a half years as a justice of the peace, the City of Holbrook appointed me to be its City Magistrate. I then served as both justice court and city court judge until my election to the Superior Court. The city court had a caseload of approximately 450 cases per year, mainly city traffic matters and city ordinance violations.

Immediately upon my election as a JP--January 1995--my fellow limited jurisdiction judges elected me the Presiding Limited Jurisdiction Judge and then they continued every two years to re-elect me until I left for the Superior Court. In this position, I supervised the administration of the judicial and internal functions of all limited jurisdiction courts (municipal and justice courts) in the county. In connection with these duties I conducted monthly meetings for all the judges and judges pro tem.

In September of 1996, during my time in the above jobs, I started and served as the first Teen Court Judge in our county. I served in that capacity, concurrently with the above listed positions, until my election to the Superior Court.

Finally, during the same time period as above, a Superior Court committee appointed me a Superior Court Judge Pro Tem to handle a few criminal change of pleas, arraignments and child custody matters for the Superior Court.

2. Elected to the State of Arizona Superior Court for Navajo County taking office in January of 2005. Re-elected without opposition in 2008. Most pertinent to the Scottsdale job, I have handled all the appeals from the limited jurisdiction courts in our county and I write the accompanying opinions. I also conduct jury trials (over 60 during my term) and handle hearings on civil, criminal, juvenile, probate, guardianship/conservatorship, protective orders, and eviction actions (anywhere from 4-50 settings per day). I currently serve as Presiding Civil Judge and Presiding Mental Health Court Judge, the latter a court I helped start and have been that court's only judge. I formerly served as Presiding Criminal Judge, Presiding Juvenile Judge and Associate Presiding Judge.

29. List not more than five (5) cases which you presided over or heard as a judicial or quasi-judicial officer, mediator or arbitrator.

1. State Farm Insurance v. Connolly, 212 Ariz. 417, 132 P.3d 1197 (2006). Navajo County Superior Court Division III. Attorney for the Plaintiff: Jones, Skelton & Hochuli [REDACTED]. [REDACTED]. Attorney for the defendant: Matthew Riggs [REDACTED]. Trista Connolly observed her sister being struck and killed by a truck driven by the plaintiff's insured. The litigation concerned the interpretation of the insurance contract. Significance: a case of first impression in our state dealing with the interpretation of insurance policy limits as they relate to negligent infliction of emotional distress.

2. State of Arizona v. Gordon Hayes. October 1995. Holbrook Justice Court. Attorney for the defendant: Dale Nielson, [REDACTED]. Attorney for the State: Steve Blaine, no longer practicing and whereabouts unknown. Driving under the Influence jury trial. The defendant admitted being drunk but, claimed he did not drive the truck that the police pulled over for the erratic driving. The jury found the defendant not guilty. Significance: The voir dire process resulted in the selection on the jury of the editor of our local newspaper. Later the editor wrote a column praising our court proceedings and expressing his renewed faith in our judicial system. Also a memorable case because at the trial, the defendant swore that he had bought the truck for his son and that only his son drove the truck. Two weeks later the defendant, not his son, crashed the truck in question and died. The police determined he had been drunk. Ironically, if he had been found guilty and considering his prior DUI convictions the defendant would have been in jail at the time of the fatal crash.

3. Victor Peterson v. Patricia Deatly. Holbrook Justice Court May 1997. Small claims hearing, thus, no lawyers. The Deatley's dog broke his chain and attacked Mr. Peterson's cattle, specifically, three calves. I found for Mr. Peterson and, as required by law, assessed damages at three times the value of the damaged livestock. Significance: During the trial, Mrs. Deatly suffered an anxiety attack and fainted. Paramedics had to transport her to the Winslow Memorial Hospital as they originally thought it might be a heart attack. We continued the trial. When court reconvened, on another day, the electricity went out and the courtroom went pitch black. We moved the trial to a nearby room that had windows to allow light. With the electricity out--the air conditioning, therefore, non-functional on a hot day--and a packed courtroom with tempers high (this is cattle country), control of the proceedings could have become a problem.

Please state, as to each case:

- (1) The date or period of the proceedings.
- (2) The name of the court or agency and the name of the presiding judge or officer before whom the case was heard.
- (3) The names and addresses of all counsel involved and the party each represented.
- (4) A summary of the substance of each case.
- (5) A statement of any particular significance of the case.

Attach sample copies of not more than two (2) written opinions, if any, whether reported or not.

30. The position you are applying for is Presiding City Judge, which involves administrative and management responsibilities, in addition to judicial responsibilities. Please summarize your administrative, management and supervisory experience that is most relevant to the responsibilities of the Presiding City Judge.

First, I am formally trained in administration, as well as law. My knowledge of city government administrative and management responsibilities began to come into focus in my two year master's degree program. In that program, I read many books on the subject of doing more with less in a public organization. After graduation, I received the honor (out of 100 applicants) of interning for the City of Sunnyvale, California in a six month general municipal overview program. I have also been fortunate to serve as a city councilman and as a city magistrate and, thus, understand the impact judicial decisions have on a city and vice versa.

Second, I formed and ran a company of over 100 people and have used many of the management skills I gained in running that firm in efficiently administering my courts.

Third, in law school I led the student bar association as President. The National Student Bar recognized our SBA as one of the top 4 in the country. We achieved that recognition mainly because of how well we motivated our students to contribute and buy into our vision. I have also been elected President of the Elks and served as head coach for tennis and basketball teams. These positions require leadership and motivation skills that have served me well as a manager of people.

Finally, I served as both Presiding Limited Jurisdiction Court Judge for Navajo County and as Presiding Judge of the Holbrook Justice Court. I transformed the Holbrook court from a court that the Arizona Republic profiled as a court "with major problems" to one emulated by others. From all the above experiences, I recognize both the synergistic

interrelationships and the necessary separations that exist between the different branches of government.

D. BUSINESS AND FINANCIAL INFORMATION

31. Have you ever been engaged in any occupation, business or profession other than the practice of law or holding a judicial or other public office?

☒ YES ☐ NO

If so, please give details, including dates.

Newspaper carrier in high school.

Tennis teacher giving private and group lessons while in college.

Tennis Head Coach at Sequoia High School [REDACTED] while in college.

Tennis Head Coach for the Jr. Davis Cup and Jr. Wightman Cup tennis teams while in college.

President Lamb Financial Group. Insurance and financial sales company. January 1989-June 1992.

President LFG Scottsdale, LLC. Extremely small real estate investment company formed to manage rental properties. 2007-present.

32. Are you now an officer, director or majority stockholder, or otherwise engaged in the management, of any business enterprise?

☒ YES ☐ NO

If so, give details, including the name of the enterprise, the nature of the business, the title or other description of your position, the nature of your duties, and the term of your service.

President LFG Scottsdale, LLC. Extremely small real estate investment company formed to manage rental properties. 2007-present.

Is it your intention to resign from such positions and withdraw from any participation in the management of such enterprises if you are nominated or appointed?

☐ YES ☒ small family company that mainly collects and reports rents from tenants located in Northern Arizona and will not create any conflict with being a judge in Scottsdale ☐ NO

33. Have you failed to file your state or federal income tax returns in the years you were legally required to file them?

☐ YES ☒ NO

If so, please explain.

34. Have you paid all state, federal and local taxes when due?

☒ **YES** ☐ **NO**

If not, please explain.

35. Have you ever violated a court order including but not limited to an order for payment of child or spousal support? If so, please explain.

☐ **YES** ☒ **NO**

If so, please explain.

E. CONDUCT AND ETHICS

36. Have you ever been expelled, terminated or suspended from employment, or any school or course of learning, on account of plagiarism, cheating, or any other "cause" that might reflect in any way on your integrity?

☐ **YES** ☒ **NO**

If the answer is "Yes", please provide all pertinent details.

37. Have you ever been arrested for or convicted of any felony, misdemeanor, or violation of the Uniform Code of Military Justice? If so, please provide details.

☐ **YES** ☐ **NO**

If so, please provide details.

38. If you performed military service, please indicate the date and type of discharge. If less than honorable discharge, please explain.

n/a

39. List and describe any litigation concerning your practice of law in which you are or were a party.

n/a

40. List and describe any sanctions imposed upon you by any courts or judicial oversight bodies for violation of any rule or procedure or for any other professional impropriety.

n/a

41. To your knowledge, has any formal charge of professional misconduct ever been filed against you by the State Bar or any other official attorney disciplinary body in any jurisdiction?

☐ YES ☒ NO

If so, when? How was it resolved?

42. During the last ten (10) years, have you unlawfully used controlled substances, narcotic drugs or dangerous drugs as defined by Federal and State laws?

☐ YES ☐ NO

If your answer is "Yes", explain in detail. (Unlawful use includes the use of one or more drugs and/or the unlawful possession or distribution of drugs. It does not include the use of drugs taken under the supervision of a licensed health care professional or other uses authorized by Federal law provisions.)

43. In the past year, have you been reprimanded, demoted, disciplined, placed on probation, suspended, cautioned or terminated by an employer as a result of your alleged consumption of alcohol, prescription drugs or illegal use of drugs?

☐ YES ☐ NO

If so, please state the circumstances under which such action was taken, the name(s) of any person(s) who took such action, and the background and resolution of such action.

44. Within the last five (5) years, have you ever been formally reprimanded, demoted, disciplined, placed on probation, cautioned, suspended or terminated by an employer? If so, please state the circumstances under which such action was taken, the date(s) such action was taken, the names of any person(s) who took such action, and the background and resolution of such action.

no

45. Have any of your current or former co-workers, subordinates, supervisors, customers or clients ever filed a complaint or accusation of misconduct against you with any regulatory or investigatory agency, or with your employer? If so, please state the date(s) of such accusation(s), the specific accusation(s) made, and the background and resolution of such action(s).

no

46. In the past year, have you ever failed to meet any deadline imposed by court order or received notice that you have not complied with substantive requirements of any business or contractual arrangement? If so, please explain in full.

no

47. Are there any other issues pertaining to judicial conduct or ethics that should be disclosed to the Board?

☒ **YES** ☐ **NO**

If you answered "Yes", please explain.

I have never received a complaint, frivolous or not, as an attorney. According to the Judicial Commission as of August 12, 2011, as a justice court judge and superior court judge over the last 16 plus years, I have received eleven complaints and one self-report; one of which, in 2008, resulted in an informal reprimand. The others were dismissed as "frivolous or appellate in nature". No complaints are currently pending.

F. PROFESSIONAL AND PUBLIC SERVICE

48. Are you in compliance with the continuing legal education requirements applicable to you as a lawyer or judge?

☒ **YES** ☐ **NO**

If no, please explain.

49. Have you taught any courses on law or lectured at bar associations, conferences, law school forums, or continuing legal education seminars?

☒ **YES** ☐ **NO**

If so, please describe.

I have taught at New Judge Orientation, a program for new incoming Arizona judges, on several occasions including teaching a course on how to run an efficient court. I have also served on the Court Curriculum Committee for New Judge Orientation. This committee helps decide what courses and topics to teach new judges and reviews the test given to new limited jurisdiction judges at the Orientation program.

Additionally, as the Presiding Limited Jurisdiction Court Judge I taught our new pro tem judges an orientation class on, among other things, how to conduct initial appearances, how to determine release conditions and how to determine indigency status for the possible appointment of counsel. For the same group, I conducted individual instruction on an as needed basis. I have also been appointed by the Supreme Court to act as a Mentor Judge for new limited jurisdiction judges.

I have also spoken at numerous functions/conferences, including at the Santa Fe Credit Union Annual Meeting; 4H programs; graduation ceremonies, and Black History Day. I have also spoken to elementary, jr. high and high school classes about, among other things, the dangers of drinking and driving; the importance of controlling one's anger; the importance of an education and the rewards of a legal career.

50. List memberships and activities in professional organizations, including offices held and dates:

---As a judge and attorney, I have been a member of the Navajo County Bar Association, the Arizona State Bar Association, the National Bar Association and the Arizona Magistrates Association. As an attorney I have been a member of the Arizona Attorneys for Criminal Justice, and the National Association of Criminal Defense Attorneys.

Have you served on any committees of any bar association (local, state or national) or have you performed any other significant service to the bar? List offices held in bar associations or on bar committees. Provide information about any activities in connection with pro bono legal services (defined as services to the indigent for no fee), legal related volunteer community activities or the like.

---I am a member of the Criminal Jury Instruction Committee (2005-present). This committee drafts standard jury instructions used by judges throughout the state in criminal trials.

--The Arizona State Bar President also recently appointed me to the State Bar Conflicts Committee (2010-present). This committee processes, investigates and prosecutes disciplinary cases involving members of the State Bar's Board of Governors, State Bar staff, or the Court's Disciplinary Commission.

51. Describe the nature and dates of any public service you consider relevant to your ability to serve your community as a judge.

I annually interview law school applicants and submit a report with an admission recommendation to Northwestern University. I started the Holbrook Teen Court program and sat as its only judge for the first nine years. I have also been a member of the Holbrook Chamber of Commerce for fifteen years and head coach for youth basketball for the past seven years. I have served in numerous offices including President of the Holbrook Elks Lodge, which has over 200 members, and Treasurer for the Rotary Club of Holbrook.

52. List any professional or civic honors, awards, or other forms of recognition, which you have received.

In the only judicial evaluation poll conducted in our county, I received the highest marks of any judge in the superior and limited jurisdiction courts and was the only one to receive perfect scores. The evaluation scored each judge on fairness, integrity, knowledge and skill. I have also been the highest rated presenter at New Judge Orientation.

The Arizona Supreme Court Chief Justice appointed me to sit on her newly appointed Court Leadership Institute of Arizona (CLIA). The Supreme Court has also appointed me to be a mentor judge for other judges. While a limited jurisdiction judge, I served on the Arizona Supreme Court's Committee on Limited Jurisdiction Courts, a selection again made by the Supreme Court.

The President of the Arizona State Senate appointed me as a member of the Joint Study Committee on the State Funding of the Court System.

The Judicial College of Arizona, in addition to naming me to the Court Curriculum Committee and to the faculty, selected me to the Editorial Advisory Board for Wendell--the Arizona Judicial Reference Site, and the Arizona Law Review. In addition to attending those groups' meetings, I review and edit submitted articles and approve or disapprove of their content. The Judicial College also asks me each year to co-edit and update the Criminal Bench Book used by all Arizona judges in conducting criminal matters. I am also graciously listed as a co-editor of the "Evidence for Limited Jurisdiction Judges--A Primer on Evidence".

My greatest honor as a judge, though is to overhear people I have ruled for--or even more so against--say that I showed them respect; listened to them; and was fair to both sides.

53. List any elected or appointed offices, which you have held and/or for which you have been a candidate, and the dates.

Holbrook City Councilman--held the position from December 1992 until March 1994 at which time I resigned to run for Justice of the Peace.

Elected Justice of the Peace for Navajo County Precinct 1 in September of 1994; re-elected without opposition in 1998 and 2002.

Elected Navajo County Superior Court Judge in 2004; re-elected without opposition in 2008.

G. REFERENCES

54. Please list the names, addresses and telephone numbers of two (2) references who are lawyers or judges, and who are familiar with your professional activities, who would enthusiastically recommend you as qualified to serve on the judiciary.

[REDACTED]

[REDACTED]

55. Please list the names, addresses and telephone numbers of two (2) persons who are neither lawyers nor judges with whom you have had contact other than professionally, who would enthusiastically recommend you as qualified to serve on the judiciary.

[REDACTED]

56. Please list the names, addresses and telephone numbers of two (2) lawyers with whom you have dealt in a meaningful way as adversaries in the last five (5) years. Please provide the names of those whom you have dealt with continuously on substantive matters. If you have been a full-time judicial or quasi-judicial officer for the past five years, please list the names, addresses and telephone numbers of four (4) lawyers who have frequently appeared before you in contested matters.

57. Please list the names, addresses and telephone numbers of two (2) co-workers who you have supervised in the past three (3) years.

H. ADDITIONAL INFORMATION

58. Please provide any additional information relative to your application or qualifications that you would like to bring to the attention of the Board at this time.

I exercise seven days a week--running five miles a day five days a week and doing 310 push-ups (though you will be unable to tell) on the other two days. I compete in 10k races throughout the state and eat healthy. Consequently, I have not missed a day of scheduled court due to illness or for any other reason in 16 plus years.

I have also attached a few newspaper articles during my tenure as a limited jurisdiction judge.

59. If you are recommended by this Board and appointed by the City Council to serve, are you aware of any reason why you would be unable or unwilling to serve a two-year term?

 YES ☒ NO

If so, please explain.

60. If you are not currently a Scottsdale resident, are you willing to relocate to Scottsdale within six (6) months of the start of employment should it be required by City Council?

☒ YES NO

The undersigned hereby authorizes the Committees of the State Bar of Arizona, all Bar Associations, references, employers, credit reporting agencies, business and professional associates, and all governmental agencies to release to the Scottsdale Judicial Appointments Advisory Board and the City of Scottsdale any information requested by said Board in connection with the processing of my request for consideration as a judicial candidate.

I certify that all the information provided herein is true and complete to the best of my knowledge. I agree and understand that omissions, misstatements, and falsifications will cause forfeiture on my part of all eligibility to any employment with the City of Scottsdale and may be cause for rejection of this application or discharge from City employment. In addition, I give the Judicial Appointments Advisory Board and the City of Scottsdale the right to investigate and verify any information obtained through the application process. Permission is granted and I release from any and all liability any employer, agency, or individual assisting the Board or the City of Scottsdale in providing relevant, job related information or survey data that will assist with this process.

My signature below acknowledges my understanding and agreement with the above.

Date: 8/15/11


(Signature)

Submission of this application expresses my willingness to accept appointment to the judicial position applied for in this application if tendered by the Scottsdale City Council.


(Signature)

Please submit the completed and signed application, salary history, and a comprehensive resume via email or U.S. Postal Service to:

Judy Dewey
Human Resources
7575 East Main Street
Scottsdale, AZ 85251
jdewey@ScottsdaleAz.Gov

QUESTION 58

Additional Information for the Committee
(Selected Articles from the Holbrook Tribune)

John Lamb Will Continue To Preside Over Justice Courts

By Paula Rhoden

Judge John Lamb of the Holbrook Justice Court has been re-elected as presiding judge of the Navajo County Justice Courts. He will serve as presiding judge for all limited jurisdiction courts, including city, or magistrate, courts for the next two years.

Judge Lamb is halfway through his four-year term of office. He has served as presiding judge for the past two years. He said he feels that the Justice Court judges are "working well together. We have become unified."

Judge Lamb said the judges meet once a month to discuss court business. "If there is a problem, I receive input from the other judges, and we vote on a solution. It is not my style to make decisions on my own," Judge Lamb said. He said that part of the unifying process has been apparent in the way in which the Justice Courts approach the Board of Supervisors. "When we work on the budget, we address those courts that have the greatest need," Judge Lamb said.

Judge Lamb is only one of two Justice Court judges who is an attorney. He said that the law only requires that a person running for Justice Court be a voter in the precinct in which they are running. He said that the legislature has looked at tightening the requirements, but nothing has been done yet. Judge Lamb said he does not know why the requirements are so lax, since Justice Court judges must be aware of the law. He said he thinks one reason may be that in olden days,

judges were not required to be attorneys because there were not very many attorneys in rural areas.

Justice Courts have limited jurisdiction. They can only hear civil cases up to \$5,000. All criminal cases tried in Justice Court must be misdemeanors, although they may hear preliminary hearings for felony cases. Judge Lamb said the option is available to have a preliminary hearing in Justice Court or to have the case heard before the Grand Jury. Sentencing in Justice Court is limited to six months jail time for a Class 1 misdemeanor.

As presiding judge, Judge Lamb will oversee the limited jurisdiction courts. He said that one of his biggest responsibilities is to assist citizens who may have had a problem in court. Citizens can ask for a change of judge once without providing a reason, Judge Lamb said. A second request for the same case requires a good reason.

Judge Lamb said that limited jurisdiction courts handle approximately 90 percent of all cases filed. "It is important that we function well, since this is what people see and where they develop their opinion of the legal system," he said.

Judge Lamb must also hire and train judge pro tems for weekend initial appearances. At present, there are three judge pro tems in Justice Court. Judge Lamb said they are all chief clerks. "This works out very well, as they know the procedures and are aware of court scheduling procedures," he said.

Judge Lamb travels to the Na-

vajo Reservation on the third Friday of every month. He hears cases involving residents of Indian Wells, Jeddito, White Cone and Greasewood. Judge Lamb said that this is in response to comments he heard while he was campaigning. "Voters on the reservation said they felt they saw candidates during election time, and once the election was over, they never saw them again," he said. Judge Lamb said going to the reservation saves residents the long trip into Holbrook.

Judge Lamb is also involved in the Holbrook Teen Court. He said the Teen Court meets every other Monday evening in the Old Courthouse, and is working out well. Juveniles who appear in Teen Court are generally first-time offenders, and have already admitted their guilt. Most of the cases involve shoplifting and underage drinking. Judge Lamb said the Teen Court convenes to determine sentencing. The Teen Court imposes conse-

Continued On Page 12

Weather Forecast

The National Weather Service forecast calls for dry and warmer conditions today and Saturday (Jan. 10 and 11). The high temperatures are expected to be in the 40s to the lower 50s and the lows in the upper teens to the lower 20s.

The forecast for Sunday calls for increasing clouds and winds, and snow is possible in the higher elevations. The high temperatures are expected to be in the 40s and the lows in the 20s.

vancing to the regional contest in Prescott.

Holbrook Junior High School Principal Rex Whipple reported 496

Winter Storm

Continued From Page 1
...in fact, with the blowing hard to keep the roads open with cinders. It is difficult to remove the hard pack," he said. "Drivers should always bring a winter survival kit with them. This includes blankets, extra warm clothes, chains, warm liquids and a shovel," he recommended.

Jaster said the Doppler weather station in Flagstaff provides state-of-the-art weather forecasts for Northern Arizona. "We are receiving better weather warnings. We are now getting weather reports from the National Weather Station in Flagstaff. Before, weather forecasts came out of Phoenix, and they were really only guessing. The radar can scan the storm and provide information on intensity and the amount of moisture. I am very pleased with the system. We will be able to watch the weather more closely in the future," he said.

For more information on local road conditions, call (520) 779-2711. The public may also call the Weather Service at (520) 774-3301 for information on weather conditions.

FAX

Your News To
524-3541

Food Needed

Operation Love is in need of food to help the hungry. The program especially needs canned goods, rice and beans. If you can make a donation, please leave it at the First Baptist Church (First and Buffalo, Holbrook) or at the Holbrook Tribune-News office. Thank you so much.

committee members will catch a plane.

* Approved the continued use of board signature stamps for payroll and expense vouchers.

* Approved notifying the Navajo County Data Processing Consortium of the district's intent to discontinue membership.

* Approved the district's continued participation in and application for federal assistance under the Impact Aid program. Dr. Luty was authorized to act as the school district's representative.

* Approved the continuation of the State School Finance System Challenge intergovernmental agreement.

* Approved adding two courses to the HHS curriculum for the 1997-98 school year, Community Service and General Music/Guitar.

* Approved the consent agenda as presented, including:

Classified resignations, Taylor Sangster, bus driver; Patricia Maher, Title I aide; John Yazzie, bus driver; and Eva Lee Jack, bus monitor.

Classified employment, Steve Harris, HJHS Special Needs aide; Bessie Noz, bus monitor; Kolly Mote, computer technician; John Ward, substitute custodian; Kristy DeWitt, temporary warehouse clerk; Fannie Curtis, part-time HHS receptionist; Patty Foxen, "A" Team; and Jeannette Kimbrell, administrative assistant for personnel.

Extra duty, Tim Yazzie, HJHS curriculum/assessment writing; Terry Denning, HJHS official; Dain Thompson, tutoring/after school detention; Norma Jacobs, HHS Future Teachers Association Club and FFA Club; Travis Udall, HHS head softball coach; Lisa Hatch, HHS assistant softball coach; and Kerry Perkins, Park School curriculum/assessment.

helped construct a 2.3 mile trail between the campground and the Visitor Center. This year, the Elderhostel volunteers will return to work on a trail that will go from the Visitor Center to Sunset Cemetery and then to Homolovi I. The completion of the trail will al-

Three Injured In Area Accidents

More than 40 accidents were reported to the Department of Public Safety this week when a winter storm passed through the area. Only two of these accidents involved injuries.

On Monday, Jan. 6, Patrolman Bruce Nauman investigated a one-vehicle accident on Interstate 40 near milepost 309 twenty miles east of Holbrook.

Wilson Sosa of California was admitted to Winslow Memorial Hospital for observation and a passenger, Juan Sosa, was released from the hospital after being treated for facial lacerations.

Sosa was eastbound when he reportedly lost control of his Pathfinder and it rolled three times.

Patrolman Rick Samon investigated a one-vehicle accident on Tuesday, Jan. 7, on State Route 260 near milepost 336 and Show Low.

Reed Chamberlain was eastbound at about 9:15 a.m. when he observed traffic slowing ahead. According to the report, he was unable to stop, drove off of the roadway and struck a tree.

Chamberlain was admitted to Navajopache Regional Medical Center in Show Low for treatment of broken arms and head lacerations.

Judge Lamb

Continued From Page 1

quences on juveniles that range from letters of apology to community service to actually serving on a teen jury. Judge Lamb said some teens may also have to write an essay on why their behavior was wrong. If the juveniles complete the sentences satisfactorily, their records are cleared.

Judge Lamb said he would like to thank June Ford and the Holbrook Chamber of Commerce for making the Old Courthouse available for Teen Court.

ATTACHMENT

Treasury, Congress, Eagle Pass, stration, ects to ke new fee a nues derive the Nation ample, fac lion backl an estimate repair and The funds hance educ tection pro ices.

The Go entrance pa ing nation tion areas

Snow Dies

A 28-year-old man was fatally injured in an accident on Concho Road of Snowflake.

According to Sheriff's Office, the man died at the scene. The office is investigating the accident.

Mr. Brown was driving his car on Concho Road when he ran off the right side of the road and over a fence. He was not wearing his seat belt and was not wearing his seat belt.

Investigation is being conducted by the sheriff's office and Deputy O.

Holbrook Fire Re

One fire in the Holbrook area was reported to the police department.

At 1:03 a.m. on Jan. 7, an employee of Transport Service was driving the middle of Highway 37 when the Company On-

Holbrook Justice Of The Peace Takes Courtroom On The Road

By Beth Jacobs

The Holbrook Justice Court has begun holding court and hearing cases on the Navajo Reservation.

The first hearing was held March 24 at the Greasewood Chapter House.

Judge John Lamb explained that this is because of the hardship it creates for Native Americans who are required to make the trip to Holbrook for court appearances.

"As an attorney, I know it is a hardship for people living on the reservation to travel to Holbrook.

"Many lack transportation, re-

Work Sessions Set On Holbrook Budget

The Holbrook City Council has scheduled a work session on the city's general fund at 6:30 p.m. on Thursday, April 6, at city hall. This is one of several budget work sessions planned to aid in the preparation of the 1995-96 budget.

Other sessions scheduled include Thursday, April 13, utilities fund; Tuesday, April 18, the city's five-year plan funding; and Thursday, April 20, expenditure limitations and final adjustments to the proposed budget.

All work sessions are scheduled at 6:30 p.m. and are open to the public.

quiring them to hitchhike or to impose on others for a ride.

"To minimize this inconvenience, I will be holding court at chapter houses one Friday each month," said Lamb.

Lamb also indicated that he has scheduled the reservation court dates in an effort to answer Native Americans' questions about the courts and how they work.

"I was pleasantly surprised to have so many people ask me questions on the judicial system while waiting between cases at the Greasewood Chapter," remarked Lamb.

"Education regarding the legal system and opening communication channels between the reservation

and the county would be reason enough to keep holding court on the reservation," he added.

"I am only hearing cases where our court has jurisdiction to hear that case. So, for example, if a Native American has been charged with a crime on the reservation, he would have his case heard in federal or tribal court. We will decide only those cases we have the authority to hear," said Lamb.

The judge explained that the court is also able to accept payments while on the reservation. Although fines or payments can be mailed to the court, some people would rather hand deliver their payments.

Lamb explained that the payments can be brought to the chapter houses on the days court is being held.

The following is a schedule for the upcoming four months of reservation court dates. The court will be open from 10 a.m. to 5 p.m. on:

Friday, April 21, Greasewood Chapter; Friday, May 26, Jeddito Chapter; Friday, June 23, White Cone Chapter; and Friday, July 21, Indian Wells Chapter.

From then on, the court will convene on the third Friday of each month, rotating among the four chapter houses mentioned.

Bashas' Bakery Scene Of A Fire

The Holbrook Fire Department was summoned to a fire in the bakery at the Bashas' store in Holbrook at 9:13 a.m. on Sunday, April 2.

An all call was paged and responded. The ambulance was also called, and a subject who had inhaled smoke was transported to Winslow.

The store was scheduled to reopen on Tuesday.

Page 4-Holbrook (Ariz.) Tribune-News, November 3, 1995

Viewpoints

Interesting articles from a number of people

In Our Opinion Courtroom

Our legal system has taken some pretty hard hits in recent years, and especially the way things went in the O.J. Simpson trial. There have been plenty of comments about the way the matter was handled in court and the jury verdict.

As a result, some people seem to think we need to look at other systems. Considering alternatives might make sense, but before we jump, perhaps we need to be real sure any substantial change will be beneficial and protect our rights as citizens.

Most of us don't welcome the thought of being called to serve on a jury, although we recognize that someone has to serve. I'll have to confess I am as guilty on this point as anyone else.

My view has changed somewhat, because I was called to serve and was chosen as one of six jurors to hear a case last week.

Most of the time we might assume there is a Perry Mason atmosphere in our courtrooms where, in a dramatic fashion, evidence is brought forward to acquit the accused at the last moment. In real life it doesn't work that way.

We may also think that it would be easy to sift through the evidence and reach a verdict. That also is probably not often the case. At least it wasn't for me.

In this instance, both the prosecution and the defense presented

Experience

their case in a calm, reasonable manner. There was none of the theatrics that sometimes occurs in a prominent case. Still, both sides did a good job.

Lots of times we make jokes about the way a jury goes about reaching a verdict. In real life, I imagine most jurors take their responsibilities seriously. I know we did.

After the evidence was presented, the judge carefully went over what could be considered and what should not be. His instructions were clear and fair to both sides.

In the newspaper business, we rarely write a story with all the information we would like to have. I think that must be the case with jurors as well. There are always questions you would like to ask, information you would like to have. In the end you have to make a decision based on the evidence presented and common sense.

Serving on a jury is not, perhaps, something that you would enjoy doing any day of the week. Nonetheless, it is far from the unpleasant task many would think.

Our system of justice may be far from perfect, any human endeavor is, but in my opinion it is far ahead of any alternative I have heard presented to date. Even with its occasional faults, our system is one we need to cherish and respect.

-Paul Barger

Est. 1909 Volume 88 Number 82

Holbrook, Arizona, Friday, February 1

New Teen Court Offers Kids A Second Chance

By Paula Rhoden

A seventeen-year old Holbrook student is out with friends. They decide to experiment with alcohol. The students are caught, arrested and charged with underage drinking.

Another student has been having problems with someone else in the school. Words and looks are exchanged, and eventually the situation escalates to the point where one student assaults the other. The student who threw the first punch is arrested on assault charges.

If this is the students' first or second offense, they may avoid appearing in Holbrook Justice Court if they admit their guilt and agree to participate in Holbrook Teen Court.

Youthful offenders who choose to have their cases heard in Teen Court are increasing. As of Feb. 10, Teen Court has heard approximately 30 cases. If a case is heard in Teen Court, and the youth abides by the sentence and remains out of trouble, when he turns eighteen, he will have no juvenile record.

Teen Court operates under the guidance of Chantilly Little of the Navajo County Juvenile Probation Department. She said the Holbrook court is the only one in the county that is "rolling along with cases."

Teen Court operates much like a regular court, with one important difference. In order to participate, offenders must admit their guilt. To date, Teen Court has heard cases of underage drinking, shoplifting and assault. Teen Court officials hope to address additional problems, including truancy. Those who choose to participate in Teen Court must pay a \$30 fee.

Pat Kenny is the Holbrook High School coordinator for Teen Court. He said, "A lot of things are, and can be, addressed. Teen Court can take a tremendous load off the justice court systems."

Youth who are arrested are given the option of appearing in Justice Court or Teen Court. If they choose teen court, their case is sent to Kenny. Offenders cannot participate in Teen Court unless they attend with their parents. Both the parents and the offender must agree to perform the sentence that is assigned to them.

Kenny meets with the students who serve as Teen Court officials every Monday. Trials are held every other Monday evening in the court room at the Historic Holbrook Courthouse. Justice Court Judge John Lamb presides over the hearings.

Teen Court was scheduled to hear five cases on Feb. 10.

Students acting as defense attorneys and prosecuting attorneys presented their opening remarks to a panel of youthful jurists. The remarks described the events that took place, and what each attorney believed the sentence should be. The youthful offenders, as well as any witnesses, have the opportunity to speak and present evidence. Jury

members also have the opportunity to submit written questions for the defendant or any witnesses if they need more information or have additional questions.

A 17-year-old girl appeared in Teen Court Monday evening to find out what her sentence would be for underage drinking. After listening to both attorneys and the girl, the jury retired to consider her sentence. The jury assigned her 25 hours of community service, to serve on three Teen Court juries and to attend six sessions with an alcohol counselor.

Judge Lamb then asked the girl if she could perform the sentence. He also asked the parents if they agreed to the sentence. He would ask this of every student sentenced.

A 17-year-old boy guilty of assault was assigned 15 hours of community service and two Teen Court juries. In another assault case, a 14-year-old boy was assigned 35 hours of community service, two Teen Court juries and must write a letter of apology to

Continued On Page 5

Meeting Set On Proposed Block Scheduling At HJHS

By Paula Rhoden

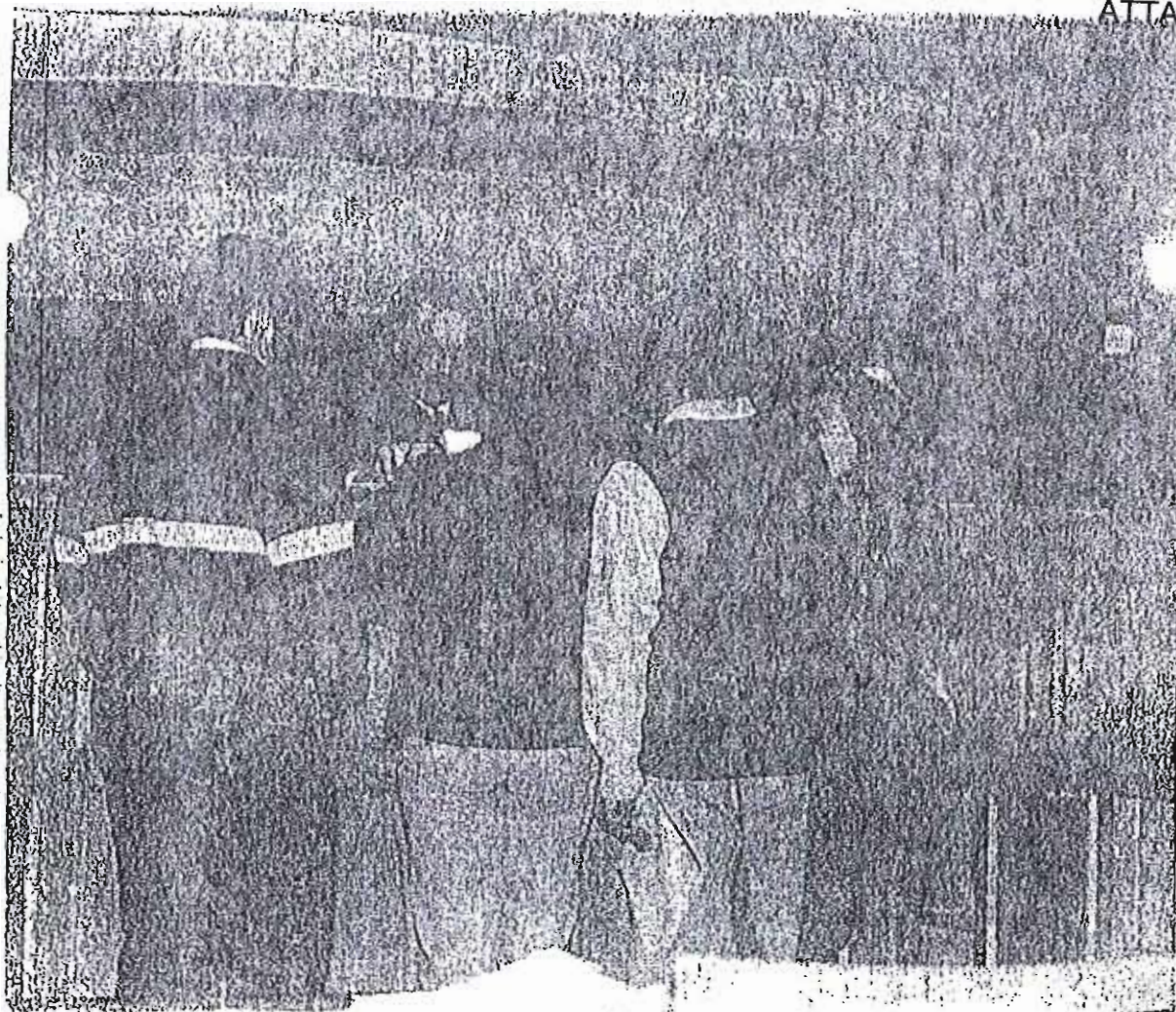
Holbrook Junior High School officials will hold public meetings to provide parents with information on the proposed block scheduling at the school. An initial meeting will be held in the school library from 4 to 6 p.m. on Wednesday, Feb. 19. For those who are unable to attend on Feb. 19, meetings are also scheduled during parent-teacher conferences. These meetings are scheduled in the library from 3 to 4 p.m. on Feb. 26 and from 5 to 6 p.m. on Feb. 27.

each semester."

Block scheduling provides approximately one hour of additional instructional time throughout the day. Teachers have more time to prepare and to teach.

Whipple said block scheduling also cuts down on time spent on discipline problems. "Most discipline problems happen when students are in the hallways changing classes. With block scheduling, they will only be changing classes four times during the day," he said.

Allison Hill, who serves as the chairman of the Block Scheduling Committee, said the change would



Holbrook Justice Court Judge John Lamb confers with defense and prosecuting attorneys during the Feb. 10 session of Teen Court. Teen Court hears cases of juveniles who have admitted their guilt and have

agreed to abide by the sentences imposed by the teen jurors. Meeting with Judge Lamb are (left to right) Nick Martinez, Jay Tyler, Garrett Early and Katrina Cooley. (Photo by Paula Rhoden)

Youthful First-Time Offenders Offered A Second Chance Through Teen Court

Continued From Page 1

his victim.

The offenders have 60 days to perform their entire sentence. Community service and jury times are scheduled through Kenny. He said Teen Court has never had a student or parent who objected to the sentence imposed.

Kenny is very proud of the students who are serving on Teen Court. "They are getting a lot better. We don't have to instruct them much any more. They want to be prepared. They have learned how to conduct trials," he said.

Teen Court has five seniors serving as lead attorneys. Kenny said they do most of the lead work.

men what needs to be done. We are developing some outstanding lawyers at the junior high," he said.

A total of 22 high school students and 14 junior high students participate in Teen Court. Some serve as court clerks, bailiffs or jurors, in addition to performing as lawyers.

Teen Court provides youthful

offenders who may have only one brush with law enforcement to admit their guilt and accept responsibility for their actions. If they complete their sentence, they will keep their record clean.

As Kenny sees it, "if peer pressure can make kids do things that are unacceptable, it can also make them see the error of their ways."

Donations Are Needed To Aid Patients At Children's Hospital

The Holbrook High School Key Club is sponsoring a campaign to collect items for use at Phoenix Children's Hospital, and is seeking the community's support in the effort.

Whipple and members of her church class have made cards with candy and love messages for the more than 100 children at the hospital to enjoy.

Collection boxes are at the Hol-

brook Justice Court. Lester was born in Indian Wells. She attended school in Leupp and at Indian School. She returned home to help her family with horses and cattle. She returned to Indian Wells in 1934, and became a teacher to many in her community.

Survivors include Jack of Holbrook, and Jerry and Arthur, Wells; three daughters, Elizabeth Salabye, Turquoise, all of Indian grandchildren; and grandchildren and great-grandchildren.

She was preceded in death by her husband in 1982 and her son in 1978.

Owens Mortuary of Holbrook is handling the arrangements.

Josefina Alejar

A rosary service for Josefina Alejar, 46, who died Tuesday, Feb. 11, 1997, at the Medical Center, will be held at 7 p.m. today (Feb. 14) at the Guadalupe Catholic Church in Holbrook.

Mrs. Alejar was born in a small town in Mexico and attended school in Mexico. She married Francisco in 1965. They moved to Holbrook in 1982. She went to the Holbrook Educational Center in 1991, where she worked as a care provider until recently prevented her from working.

Survivors include Francisco of Holbrook, Francisco Jr. of Riverton and Leonel of Holbrook. She is survived by sister, Graciela Barre, and two grandchildren.

Owens Mortuary of Holbrook is handling the arrangements.

Benjamin Spencer

Funeral services for Benjamin Spencer, 47, who died Tuesday, Feb. 7, 1997, in Holbrook, will be held Feb. 13 at the Church of Latter-day Saints in Holbrook.

Mr. Spencer was born in Indian Wells and grew up in Holbrook. He attended school at the Mission in Lower Canyon. He graduated from Inter Valley School in Brigham City. He worked in many different jobs, including construction and smithing. He was a member of the Church of Latter-day Saints and was a singer.

RESUME

JOSEPH L. OLCAVAGE

SCOTTSDALE, AZ.

(480)

PROFESSIONAL EXPERIENCE

Associate City Judge- December 1991 to present
City of Scottsdale

I conduct initial appearances, arraignments, pretrial conferences, probation proceeding, orders to show cause, bench and jury trials and conduct hearings for orders of protection and injunctions against harassment. I also handle a walk-in calendar, jail court, hear motions and telephonic pleas. I have also taught continuing education for our pro tem judges and court staff.

Interim Presiding Judge- July 1999 to March 2000

In addition to the duties listed above for associate judge, I was responsible for personnel decisions as well as supervision of the judges and judicial staff. I also had to adhere to city policies and procedures on budgeting, expenditures and procurement. I was also responsible for insuring that all reports required by the Arizona Supreme Court and the city were filed on a timely basis.

During this period communication was opened up between management and staff to allow staff input into the decision making process. Teams were assembled to study issues and bring forth suggestions for improvements in the court. Employees were participating in the hiring process by being part of the interview team. A rotation system was developed so that employees would have an opportunity to work in various divisions of the court. A system was established to purge pre-adjudicated cases where there had been no activity for at least five years.

Assistant City Attorney- May 1988 to December 1991
City of Scottsdale

I was responsible for providing legal counsel to Human Resources, Transportation, Risk Management and Police Departments. My legal emphasis was in the areas of employment, contract, bankruptcy and worker's compensation law. I also litigated tort and contract matters. Additionally, I was assigned to provide legal advice to the Transportation Commission.

Scottsdale City Prosecutor- November 1984 to May 1988

I supervised the attorneys and staff of the prosecutor's office. I was responsible for hiring and evaluating the attorneys and staff with the concurrence of the city attorney as well as preparing the office budget. I tried misdemeanor cases in the city court and litigated property forfeiture cases in the Maricopa County Superior Court. I was also the legal advisor to the police department.

Assistant City Prosecutor- January 1980 to November 1984

I tried misdemeanor and civil cases, conducted pretrial conferences, filed complaints and responded to defense motions. I represented the city in the Maricopa County Superior Court on trials de novo and Rule 11 proceedings.

Sole Practitioner- December 1976 to January 1980

Practiced primarily in the area of criminal defense law, handling both felony and misdemeanor cases.

EDUCATION

Arizona State University 1973-1976
College of Law
Tempe, Arizona
Juris Doctor



City of Scottsdale
APPLICATION FOR APPOINTMENT TO
THE SCOTTSDALE MUNICIPAL COURT

A. PERSONAL INFORMATION

1. Full name
Joseph L. Olcavage
2. Office address
3700 N. 75th Street
Scottsdale, Az. 85251
3. Phone number
(480) 312- [REDACTED]
4. Message phone number
(480) 312- [REDACTED] Ext.
5. How long have you continuously resided in Arizona?
39 years

B. EDUCATIONAL BACKGROUND

6. List names and locations of schools attended (high school, college, and law), dates attended and degrees.

East Catholic High School [REDACTED]
[REDACTED]

University of Arizona 1968-1972
Tucson, Az.
Bachelor of Arts Degree

Arizona State University 1973-1976
College of Law
Tempe, Az.
Juris Doctor

7. List major fields of study in college and law school/graduate school.

University of Arizona
Major-Political Science

Arizona State University
General law school studies

8. List awards, honors, citations and any other factors (e.g., employment) you consider relevant to your performance during law school and any other graduate school experience.

I was a volunteer in a program that helped low income families prepare and file their state and federal income tax returns.

I served an internship with the Maricopa County Juvenile Court.

I did an internship with the State Attorney General's Office, Civil Division, pursuant to Rule 38, Rules of the Supreme Court. This rule allowed law students to practice law under the supervision of a licensed attorney.

C. PROFESSIONAL BACKGROUND AND EXPERIENCE

9. Are you currently Arizona State Bar certified?

☒ **YES** ☐ **NO**

If "Yes", please provide your license number:

██████

If "No", please indicate which state bar license(s) you currently hold and include the license number(s).

10. List all courts in which you have been admitted to the practice of law with dates of admission. Give the same information for administrative bodies which require special admission to practice.

Arizona State Courts
December 7, 1976

Arizona Federal District Court
April 30, 1979

11. Have you ever been denied admission to the Bar of any state?

☐ **YES** ☒ **NO**

If so, explain. (This would apply even if denial was temporary.)

12. Identify your present employment. List professional partners or associates, if any. You may attach a firm letterhead.

Associate City Court Judge
Scottsdale City Court

13. List your prior professional or business employment since completion of your formal education.

Sole Practitioner December 1976 to January 1980

Assistant City Prosecutor January 1980 to November 1984
City of Scottsdale

Scottsdale City Prosecutor November 1984 to May 1988

Assistant City Attorney May 1988 to December 1991

Associate City Judge December 1991 to Present
City of Scottsdale

Interim Presiding Judge July 1999 to March 2000
City of Scottsdale

14. If you have not been continuously employed since completion of your formal education, describe what you did during the periods of unemployment or other professional inactivity in excess of three (3) months.

N/A

15. Describe the nature of your present law practice, listing the major areas of law in which you practice and the percentage each constitutes of your total practice.

I have been a judge with the City of Scottsdale for almost 20 years. Immediately prior to my serving as a judge I was an assistant city attorney. My practice at that time was as follows:

Employment Law: 50% of practice.

I gave employment and FLSA advice to all city departments and represented the departments in personnel hearings. I also held training sessions for city employees on laws that impacted the everyday workplace such as promoting a harassment free workplace and ADA compliance.

Police Advisor: 20% of practice.

Kept the department current on changes in federal and state laws that impacted police operations. Met regularly to give advice regarding employment, FLSA and liability issues.

Tort Litigation: 15% of practice.

Worked with the Risk Management Department regarding claims and lawsuits filed against the city. Represented the city in several matters in both the Superior Court and Scottsdale Justice Court.

Contract Law: 10% of practice.

Negotiated and drafted several contracts including the Rural Metro performance based fire and ambulance contract.

Bankruptcy Law: 5% of practice.

Represented the city when it was a creditor in Federal Bankruptcy Court.

16. List other areas of law in which you have practiced.

Prior to my employment as an assistant city attorney my practice was 100% criminal as I was with the city prosecutor's office. Prior to that I was a sole practitioner where my practice was 95% criminal defense.

17. Indicate any specialties for which you have applied for certification by the State Bar of Arizona and the results of that or of those applications.

None

18. Have you served regularly in a fiduciary capacity other than as a lawyer representing clients?

_____ YES ☒ NO

If so, give details.

19. Describe your experience as it relates to negotiating and drafting important legal documents, statutes and/or rules.

Proposed and drafted an ordinance creating a court enhancement fund. A surcharge is placed on each case adjudicated guilty or responsible. The fee was created to allow the court to fund improvements and enhancements in the areas of technology, court operations and security.

Updated and revised the Human Resource Management Chapter of the City Code. The revisions brought the code into compliance with the Fair Labor Standards Act, court decisions and city policy changes.

Chaired the committee and drafted the comprehensive Property Maintenance Ordinance. In drafting the ordinance we had to take into account the varying view points of neighborhoods, citizens, the zoning department and city council.

Served on the City Manager's Public Safety Task Force and negotiated and drafted the Rural Metro Fire/Ambulance performance based contract. Worked with outside consultants in developing performance measures based upon the demographics of Scottsdale.

Drafted one of the first ordinances in the state that decriminalized many zoning and fire code violations. The ordinance allowed zoning and fire officials to issue civil citations for code violations. The code did provide that the city could still prosecute the violations as criminal offenses by having the prosecutor file a long form complaint.

Negotiated and drafted a contract for diversion programs with an educational provider. The program allowed defendants charged with certain violations to attend educational classes to get the charge(s) dismissed.

20. Have you practiced in adversary proceedings before administrative boards of commissions?

_____ **YES** ☒ **NO**

If so, please state:

The agencies and the approximate number of adversary proceedings in which you appeared before each agency.

The approximate number of these matters in which you appeared as:

_____ Sole Counsel
_____ Chief Counsel
_____ Associate Counsel

21. Have you handled any matters that have been arbitrated or mediated?

☒ **YES** _____ **NO**

If so, please state the approximate number of these matters in which you were involved as:

 1 Sole Counsel
_____ Chief Counsel
_____ Associate Counsel

22. List not more than three (3) contested matters that you negotiated to settlement.

While in private practice I negotiated several personal injury cases on the behalf of the plaintiff. I also represented clients in negotiations with creditors.

While with the city attorney's office I represented the city in lawsuits regarding contractual and tort matters. A number of those cases were settled through negotiations.

I do not have a good recollection of these cases as it has been almost 20 years since I left the city attorney's office and about 30 years since I left private practice.

Please state as to each case:

(1) The date or period of the proceedings;

(2) The names and addresses of all counsel involved and the party each represented;

(3) A summary of the substance of each case;

(4) A statement of any particular significance of the case.

23. Have you represented clients in litigation in Federal or Arizona trial courts?

☒ YES ☐ NO

If so, please state:

The approximate number of cases in which you appeared before:

50 Federal Courts
50 State Courts of Record
1000+ Lower Court (Municipal/Justice)

The approximate percentage of those cases which have been:

5% Civil
95% Criminal

The approximate number of those cases in which you were:

99 Sole Counsel
 Chief Counsel
1 Associate Counsel

24. Have you practiced in the Federal or Arizona appellate courts?

☐ YES ☒ NO

If so, please state:

The approximate number of your appeals which have been:

 Civil
 Criminal

The approximate number of matters in which you appeared:

As counsel of record on the brief: In Arizona In U.S.
 Personally in oral argument: In Arizona In U.S.

25. Have you served as a judicial law clerk or staff attorney to a court?

☐ YES ☒ NO

If so, please state the name of the court and dates of service, and describe your experience.

26. List not more than three (3) cases in which you litigated or participated in as an attorney before mediators, arbitrators, administrative agencies, trial courts or appellate courts.

Case #1 Arbitration

Case #2 Federal Bankruptcy Court

Please state, as to each case:

(1) The date or period of the proceedings.

Case 1- 1990

Case 2- 1991

(2) The name of the court or agency and the name of the presiding judge or officer before whom the case was heard.

Case 1- Warren Ridge-Arbitrator

Case 2- Chief Judge Robert Mooreman
United States Bankruptcy Court

(3) The names and addresses of all counsel involved and the party each represented.

Case 1- Gary Peter Klahr
Represented Petitioner

Case 2- Charles Sabo
Represented Debtor



(4) A summary of the substance of each case.

Case-1

The petitioner wanted to join an Explorer Post run by the Scottsdale Police Department. The post members were young men and women who were interested in learning about law enforcement. They wore uniforms and worked at the police department assisting the officers and staff. They also learned about law enforcement work by taking classes with law enforcement officers.

The petitioner was denied admission after it was discovered that he had ties to a skin head group. This group had been involved in several acts of violence. While the petitioner was never linked to any specific acts of violence, he had been present at the scene during several violent encounters.

The petitioner argued that he should not be denied admission as the city could not prove he actually participated in any acts of violence. He argued that such a denial was a violation of his rights to freedom of speech and association.

The city took the position that the department had a legitimate governmental interest in regulating the speech and association of members of the department, including volunteers. Given the activities of the petitioner, the department had a right to deny him admission based upon concerns over security, public image, morale, and the character of the petitioner.

Case-2

Debtor had been convicted of a DUI in Scottsdale City Court. A fine was imposed and the debtor subsequently filed a petition under Chapter 13 of the bankruptcy code. When the defendant failed to pay an arrest warrant was eventually issued. The debtor filed a complaint against the city for a temporary restraining order, preliminary injunction and declaratory judgment. The debtor argued that the fine was a monetary judgment and subject to the automatic stay provisions of sections 362(a) and (b)(5) of the bankruptcy code. Debtor also argued that the fine was subject to discharge in Chapter 13 cases pursuant to section 1328.

The city argued, based upon relevant bankruptcy codes, the legislative history of the act, and federal case law, that the state's attempt to enforce a criminal penalty was proper. Even though the penalty was a fine, the city argued it was not stayed pursuant to section 362(a), nor was it subject to discharge under section 1328. The city also argued that the issuance of a warrant was nothing more than a continuation of the criminal proceeding and not subject to bankruptcy laws.

(5) A statement of any particular significance of the case.

Case-1

The significance of the case, based upon the arbitrator's decision, was that the government, where a significant and legitimate state interest is involved, may curtail, to a reasonable degree, the constitutional rights of a city volunteer.

Case-2

The significance of the case was that the Federal Bankruptcy Court ruled that fines were not subject to discharge in a Chapter 13 proceeding.

Attach sample copies of not more than two (2) briefs which you personally drafted.

27. Describe any additional experience you would like to bring to the attention of the Board.

None

28. If you now serve or have previously served as a mediator, an arbitrator, a part-time or full-time judicial officer, or a quasi-judicial officer (e.g., administrative law judge, hearing officer, member of state agency tribunal, member of State Bar professionalism tribunal, member of military tribunal, etc.), give dates and details, including the courts or agencies involved, whether appointed or elected, periods of service, and a thorough description of your assignments at each court or agency. Please include information about the number and kinds of cases or duties you handled at each court or agency (e.g. jury or court trials, settlement conferences, contested hearings, administrative duties, etc.).

I was first appointed to serve as an Associate City Judge by the Scottsdale City Council in November 1991. As a city court judge I conduct initial appearances, arraignments, pretrial

conferences, orders to show cause, probation proceedings, bench trials, jury trials, walk-in calendars, jail court proceedings, issue search warrants and hear motions. In addition I conduct hearings for Orders of Protection and Injunctions against Harassment. I also have a domestic violence calendar as well as a telephonic plea calendar.

Between March 2007 and March 2011 I conducted 400 bench trials, 43 jury trials and over 4000 pretrial conferences. I currently average around 60 arraignments a week and 50 probation matters a month. During the 2010 calendar year I had over 12,000 matters set into my courtroom.

29. List not more than five (5) cases which you presided over or heard as a judicial or quasi-judicial officer, mediator or arbitrator.

Case-1 Bench Trial: State v. Muzzillo

Case-2 Bench Trial: State v. Happy Peak, Inc. and Darin Jones

Case-3 Jury Trial: State v. Marcotte

Case-4 Pretrial Motion to Suppress

Please state, as to each case:

- (1) The date or period of the proceedings.

Case-1 2009

Case-2 2003

Case-3 2011

Case-4 1990's

- (2) The name of the court or agency and the name of the presiding judge or officer before whom the case was heard.

All cases were tried at the Scottsdale City Court.

- (3) The names and addresses of all counsel involved and the party each represented.

Case-1

Scottsdale City Prosecutor's Office

Valerie Thomsen

3700 N. 75th Street

Scottsdale, Az. 85251

Larry Kazan Defense Attorney

Case-2

Scottsdale City Prosecutor's Office

John Belatti

Cameron Morgan Defense Attorney
[REDACTED]

Case-3
Scottsdale Prosecutor's Office
Valerie Thomsen
3700 N. 75th Street
Scottsdale, Az. 85251

William Cronin Defense Attorney
[REDACTED]

Case-4
Scottsdale Prosecutor's Office
3700 N. 75th Street
Scottsdale, Az. 85251

Eleanor Miller
[REDACTED]

(4) A summary of the substance of each case.

Case-1

This was a bench trial. The defendant was charged with the domestic violence related offense of criminal damage. He was accused of intentionally damaging a cell phone belonging to his minor daughter. The defense was that the defendant had given the cell phone to the daughter as a gift. Since she was a minor, it could not be an outright gift and thus the father retained actual ownership of the phone. Since he in reality owned the phone, he could not be convicted of damaging his own property.

Case-2

Happy Peak Inc. had placed a number of temporary and permanent structures along Pima Road on land that it owned. The defendant argued these were objects of art. [REDACTED] was the individual who dug the holes and operated a crane to place the objects. Both defendants were cited with civil citations for not having obtained the necessary permits and violating the setback requirement.

The defendants raised numerous defenses to these charges. They first argued that the city cannot regulate artwork on private property. They also argued that the artwork was not a structure within the meaning of the zoning code. They additionally argued that the permit requirement was an unlawful restraint and that in any event the zoning officials had unbridled discretion in determining whether to issue the permit or not. Numerous other

defenses were put forth including the assertion that the city was attempting to suppress the defendant's First Amendment right to political speech.

Case-3

The defendant was charged with numerous traffic violations including driving with a blood alcohol level of 0.15 or above. The jury found the defendant guilty and the parties presented mitigating and aggravating circumstances at time of sentencing.

Case-4

Defendant had been involved in an automobile accident in which he sustained injuries and was treated at the scene by paramedics. He was eventually charged with driving under the Influence. He moved to exclude certain statements he made to the paramedics arguing doctor-patient privilege. The state opposed arguing the paramedics were not doctors and therefore the privilege did not apply.

(5) A statement of any particular significance of the case.

Case-1

I found the facts to be that the defendant had made an unequivocal gift of the phone to the daughter and that he retained no ownership interest in it. That being the case, I found him guilty of damaging the property of another. The case was appealed to the Maricopa County Superior Court and that court reached the same conclusion.

Case-2

I found the city had a legitimate right to regulate structures, and that the code, as well as the enforcement of it was constitutional. The case was appealed to both the Maricopa County Superior Court and the Arizona Court of Appeals. Both of those courts upheld the decision of the trial court. A copy of my written memorandum in this case is attached.

Case-3

The defense presented evidence that the reason for the defendant's erratic driving was that a family member had recently died.

I found that the aggravating factors far outweighed the mitigating factors. The defendant passed several cars stopped at a stoplight and entered the intersection at around 80 mph. The officer testified that as he followed the vehicle it entered a residential area and was travelling so fast it went airborne when hitting a speed bump. The defendant proceeded to enter a residential yard and hit a tree. The defendant then entered back onto the roadway and was finally stopped when the officer decided to ram the defendant's vehicle and disable it.

Case-4

I ruled that while privileges must be narrowly construed, they must also be decided based upon modern reality. At the time the doctor-patient privilege was established, doctors generally obtained the information they needed to treat the patient themselves. Today, much of the preliminary information the doctor needs is obtained by assistants.

In this case, the paramedics were in direct contact with the emergency room physician. The questions they asked the defendant were pursuant to the instructions of the doctor. The questions were asked so that the doctor could direct the paramedics as to the proper treatment until the defendant could arrive at the hospital. Since the questions from the paramedics were pursuant to the instructions of the doctor, I ordered the statements suppressed pursuant to the doctor-patient privilege.

Attach sample copies of not more than two (2) written opinions, if any, whether reported or not.

30. The position you are applying for is Presiding City Judge, which involves administrative and management responsibilities, in addition to judicial responsibilities. Please summarize your administrative, management and supervisory experience that is most relevant to the responsibilities of the Presiding City Judge.

Between 1984 and 1988 I was the Scottsdale City Prosecutor. I was responsible for hiring and giving performance evaluations to the assistant city prosecutors and pro tem prosecutors. I gave input to the city attorney regarding the hiring, and evaluations, of the support staff. I determined attorney assignments and what functions each member of the support staff would be responsible for. An internal continuing education program was started for the prosecutors. Technology was used to increase the efficiency of the support staff and the attorneys in an effort to better serve the public and make the work environment less stressful.

The position also required working cooperatively with many other city departments such as the court, police, zoning, fire, tax and licensing and the city manager's office. It also required speaking to and working with various neighborhood groups in solving joint problems. I also negotiated and drafted contracts for our diversion programs as well as serving as the contract administrator for those programs. I also wrote legal opinions and drafted ordinances.

Between July 1999 and March 2000 I was the Interim Presiding Judge. I was responsible for personnel decisions, supervision of judges and judicial staff. I also had to adhere to city policies and procedures on budgeting, expenditures and procurement. I was also responsible for insuring that all reports required by the Arizona Supreme Court and city were filed on a timely basis.

During this period communication was opened up between management and staff to allow for staff to have input into the decision making process. Teams were assembled to study issues and bring forth suggestions for improvements in the court. Employees were

participating in the hiring process by being part of the interview team. A rotation system was started so that employees would have an opportunity to work in various divisions of the court. A system was set up to purge pre-adjudicated files that had had no activity for at least five years.

D. BUSINESS AND FINANCIAL INFORMATION

31. Have you ever been engaged in any occupation, business or profession other than the practice of law or holding a judicial or other public office?

☒ **YES** ☐ **NO**

If so, please give details, including dates.

See number 32 below.

32. Are you now an officer, director or majority stockholder, or otherwise engaged in the management, of any business enterprise?

☒ **YES** ☐ **NO**

If so, give details, including the name of the enterprise, the nature of the business, the title or other description of your position, the nature of your duties, and the term of your service.

NaPall Management Inc.

I am the Secretary/Treasurer in this Sub Chapter S Corporation.

This is my wife's business and I have no active role in its operation.

My wife is a Certified Property Manager and Broker. She works as an independent contractor for property management firms when they need a person on a short-term basis because of mergers, acquisitions and employee shortages. She will do lease profiles, cam recs and occasionally manage a portfolio.

Is it your intention to resign from such positions and withdraw from any participation in the management of such enterprises if you are nominated or appointed?

☐ **YES** ☒ **NO**

33. Have you failed to file your state or federal income tax returns in the years you were legally required to file them?

☐ **YES** ☒ **NO**

If so, please explain.

34. Have you paid all state, federal and local taxes when due?

☒ **YES** ☐ **NO**

If not, please explain.

35. Have you ever violated a court order including but not limited to an order for payment of child or spousal support? If so, please explain.

☐ **YES** ☒ **NO**

If so, please explain.

E. CONDUCT AND ETHICS

36. Have you ever been expelled, terminated or suspended from employment, or any school or course of learning, on account of plagiarism, cheating, or any other "cause" that might reflect in any way on your integrity?

☐ **YES** ☒ **NO**

If the answer is "Yes", please provide all pertinent details.

37. Have you ever been arrested for or convicted of any felony, misdemeanor, or violation of the Uniform Code of Military Justice? If so, please provide details.

☒ **YES** ☒ **NO**

If so, please provide details.

38. If you performed military service, please indicate the date and type of discharge. If less than honorable discharge, please explain.

N/A

39. List and describe any litigation concerning your practice of law in which you are or were a party.

N/A

40. List and describe any sanctions imposed upon you by any courts or judicial oversight bodies for violation of any rule or procedure or for any other professional impropriety.

None

41. To your knowledge, has any formal charge of professional misconduct ever been filed against you by the State Bar or any other official attorney disciplinary body in any jurisdiction?

☐ YES ☒ NO

If so, when? How was it resolved?

42. During the last ten (10) years, have you unlawfully used controlled substances, narcotic drugs or dangerous drugs as defined by Federal and State laws?

☐ YES ☐ NO

If your answer is "Yes", explain in detail. (Unlawful use includes the use of one or more drugs and/or the unlawful possession or distribution of drugs. It does not include the use of drugs taken under the supervision of a licensed health care professional or other uses authorized by Federal law provisions.)

43. In the past year, have you been reprimanded, demoted, disciplined, placed on probation, suspended, cautioned or terminated by an employer as a result of your alleged consumption of alcohol, prescription drugs or illegal use of drugs?

☐ YES ☐ NO

If so, please state the circumstances under which such action was taken, the name(s) of any person(s) who took such action, and the background and resolution of such action.

44. Within the last five (5) years, have you ever been formally reprimanded, demoted, disciplined, placed on probation, cautioned, suspended or terminated by an employer? If so, please state the circumstances under which such action was taken, the date(s) such action was taken, the names of any person(s) who took such action, and the background and resolution of such action.

NO

45. Have any of your current or former co-workers, subordinates, supervisors, customers or clients ever filed a complaint or accusation of misconduct against you with any regulatory or investigatory agency, or with your employer? If so, please state the date(s) of such accusation(s), the specific accusation(s) made, and the background and resolution of such action(s).

NO

46. In the past year, have you ever failed to meet any deadline imposed by court order or received notice that you have not complied with substantive requirements of any business or contractual arrangement? If so, please explain in full.

NO

47. Are there any other issues pertaining to judicial conduct or ethics that should be disclosed to the Board?

☐ YES ☒ NO

If you answered "Yes", please explain.

F. PROFESSIONAL AND PUBLIC SERVICE

48. Are you in compliance with the continuing legal education requirements applicable to you as a lawyer or judge?

☒ YES ☐ NO

If no, please explain.

49. Have you taught any courses on law or lectured at bar associations, conferences, law school forums, or continuing legal education seminars?

☒ YES ☐ NO

If so, please describe.

Judicial College of Arizona-New Judge Orientation

I have taught sessions on Initial appearances and guilty plea proceedings to newly appointed or elected judges. We review the applicable Arizona Rules of Criminal Procedure, Arizona Revised Statutes and case law. The new judges review various court documents that help them meet the legal requirements of doing an initial appearance and taking a valid guilty plea. The class also practice taking pleas with accompanying feedback from mentor judges.

I have also served as a table mentor for new judge orientation. In that capacity I sit at a table with five or six new judges and lead them in group discussions and answer their questions on areas of the law that we are reviewing.

Scottsdale City Court Pro Tem Orientation

This class is for our newly appointed pro tem judges. It covers all aspects of the various court proceedings the pro tems will need to cover as well as a review of all the legal forms we use at the court. The pro tems are also reviewed while sitting on the bench and critiqued on how they handled the various proceedings.

Scottsdale City Court Continuing Legal Education for Staff

I have presented seminars for the judges, hearing officers and court staff. I have taught on subjects such as ethics, courtroom management, Orders of Protection, pro per motions and giving general information versus legal advice.

During my legal career I have also taught at, or for, the following:

Southern Arizona Judicial Staff Conference
 Arizona Magistrates Association
 Governor's Office of Highway and Safety DUI Conference for Judges
 Arizona Law Enforcement Officers Advisory Council
 Police Chiefs Association
 Federal Drug Enforcement Agency Advanced Drug School
 Arizona Prosecuting Attorney's Advisory Council

50. List memberships and activities in professional organizations, including offices held and dates:

Arizona Bar Association

Arizona Magistrates Association
 Vice-President 1999-2000
 President 2001-2002

Have you served on any committees of any bar association (local, state or national) or have you performed any other significant service to the bar? List offices held in bar associations or on bar committees. Provide information about any activities in connection with pro bono legal services (defined as services to the indigent for no fee), legal related volunteer community activities or the like.

N/A

51. Describe the nature and dates of any public service you consider relevant to your ability to serve your community as a judge.

Arizona Supreme Court Mentor Program
 1994-2009

An experienced judge is assigned as a mentor for a new judge. The mentor judge is available to answer questions and lend encouragement to the new judge. I still answer questions from my prior mentees.

Arizona Judicial College-New Judge Orientation
 1996 to present

I taught several subjects to new judges until around 2007. I still serve as a table mentor when called upon.

Social Justice Service through the church.

As called upon since 1998.

Aid in social service activities when called upon such as Habitat for Community projects.

Speaker on topic of drug and alcohol education and Career Days.

As called upon since 1985.

I have spoken to elementary through high school students and also at the Boys and Girls Club

Coached youth sports 1998-2007.

Coached basketball, soccer and baseball teams.

52. List any professional or civic honors, awards, or other forms of recognition, which you have received.

Appointed to the mentor judge program by the Arizona Supreme Court.

Have taught and served as a table mentor for New Judge Orientation

Served as president of the Arizona Magistrates Association.

53. List any elected or appointed offices, which you have held and/or for which you have been a candidate, and the dates.

Associate City Judge 1991 to present.

Interim Presiding Judge July 1999 to March 2000

G. REFERENCES

54. Please list the names, addresses and telephone numbers of two (2) references who are lawyers or judges, and who are familiar with your professional activities, who would enthusiastically recommend you as qualified to serve on the judiciary.

[REDACTED]

[REDACTED]

55. Please list the names, addresses and telephone numbers of two (2) persons who are neither lawyers nor judges with whom you have had contact other than professionally, who would enthusiastically recommend you as qualified to serve on the judiciary.

[REDACTED]



56. Please list the names, addresses and telephone numbers of two (2) lawyers with whom you have dealt in a meaningful way as adversaries in the last five (5) years. Please provide the names of those whom you have dealt with continuously on substantive matters. If you have been a full-time judicial or quasi-judicial officer for the past five years, please list the names, addresses and telephone numbers of four (4) lawyers who have frequently appeared before you in contested matters.



57. Please list the names, addresses and telephone numbers of two (2) co-workers who you have supervised in the past three (3) years.

I technically do not supervise anyone. However, I work closely on a daily basis with my bailiffs.



**H. ADDITIONAL INFORMATION**

58. Please provide any additional information relative to your application or qualifications that you would like to bring to the attention of the Board at this time.

None

59. If you are recommended by this Board and appointed by the City Council to serve, are you aware of any reason why you would be unable or unwilling to serve a two-year term?

_____ **YES** ☒ **NO**

If so, please explain.

60. If you are not currently a Scottsdale resident, are you willing to relocate to Scottsdale within six (6) months of the start of employment should it be required by City Council?

N/A **YES** _____ **NO**

The undersigned hereby authorizes the Committees of the State Bar of Arizona, all Bar Associations, references, employers, credit reporting agencies, business and professional associates, and all governmental agencies to release to the Scottsdale Judicial Appointments Advisory Board and the City of Scottsdale any information requested by said Board in connection with the processing of my request for consideration as a judicial candidate.

I certify that all the information provided herein is true and complete to the best of my knowledge. I agree and understand that omissions, misstatements, and falsifications will cause forfeiture on my part of all eligibility to any employment with the City of Scottsdale and may be cause for rejection of this application or discharge from City employment. In addition, I give the Judicial Appointments Advisory Board and the City of Scottsdale the right to investigate and verify any information obtained through the application process. Permission is granted and I release from any and all liability any employer, agency, or individual assisting the Board or the City of Scottsdale in providing relevant, job related information or survey data that will assist with this process.

My signature below acknowledges my understanding and agreement with the above.

Date: 8/23/2011


(Signature)

Submission of this application expresses my willingness to accept appointment to the judicial position applied for in this application if tendered by the Scottsdale City Council.


(Signature)

Please submit the completed and signed application, salary history, and a comprehensive resume via email or U.S. Postal Service to:

Judy Dewey
Human Resources
7575 East Main Street
Scottsdale, AZ 85251
jdewey@ScottsdaleAz.Gov



City of Scottsdale
APPLICATION FOR APPOINTMENT TO
THE SCOTTSDALE MUNICIPAL COURT

A. PERSONAL INFORMATION

1. Full name
Orest Andrew Jejna
2. Office address
3700 North 75th Street Scottsdale, Arizona 85251
3. Phone number
(480) 312- [REDACTED]
4. Message phone number
(480) 312- [REDACTED] Ext.
5. How long have you continuously resided in Arizona?
30 Years

B. EDUCATIONAL BACKGROUND

6. List names and locations of schools attended (high school, college, and law), dates attended and degrees.

Bishop Kearney High School [REDACTED] [REDACTED]

St. John Fisher College Rochester, New York 1974-1976 Bachelor of Sciences
(Management)

Seattle University Tacoma, Washington 1976-1979 Juris Doctor

7. List major fields of study in college and law school/graduate school.

In college I majored in business management. In law school, I primarily studied in all major areas of the law.

8. List awards, honors, citations and any other factors (e.g., employment) you consider relevant to your performance during law school and any other graduate school experience.

N/A

C. PROFESSIONAL BACKGROUND AND EXPERIENCE

9. Are you currently Arizona State Bar certified?

☒ YES ☐ NO

If "Yes", please provide your license number:

State Bar Number [REDACTED]

If "No", please indicate which state bar license(s) you currently hold and include the license number(s).

10. List all courts in which you have been admitted to the practice of law with dates of admission. Give the same information for administrative bodies which require special admission to practice.

Arizona 1981
New York 1992
Federal District Court for Arizona
United States Supreme Court

11. Have you ever been denied admission to the Bar of any state?

_____ **YES** ☒ **NO**

If so, explain. (This would apply even if denial was temporary.)

12. Identify your present employment. List professional partners or associates, if any. You may attach a firm letterhead.

City of Scottsdale Associate Judge May/2001 to the Present

13. List your prior professional or business employment since completion of your formal education.

8/79 - 5/81 Law Clerk- Firm of Fred G. Blum, Rochester, New York

10/81 - 3/82 Sole Practice, Phoenix, Arizona

4/82 - 8/84 Deputy Public Defender, Maricopa County

8/84 - 8/85 Associate/Phillips and Lyon

8/85 - 4/2001 Sole Practice, Phoenix, Arizona

5/2001 - Present Associate Judge/City of Scottsdale

14. If you have not been continuously employed since completion of your formal education, describe what you did during the periods of unemployment or other professional inactivity in excess of three (3) months.

N/A

City of Scottsdale Judicial Appointment Application | 2011

15. Describe the nature of your present law practice, listing the major areas of law in which you practice and the percentage each constitutes of your total practice.

I have been a City Court Judge since May 1, 2001, practicing in all facets of a limited jurisdiction court.

16. List other areas of law in which you have practiced.

Prior to my appointment to the bench in 2001, I was in private practice with a concentration in Criminal and Personal Injury Law.

17. Indicate any specialties for which you have applied for certification by the State Bar of Arizona and the results of that or of those applications.

I have not applied for any certification since I have been a Judge for the past 10 years.

18. Have you served regularly in a fiduciary capacity other than as a lawyer representing clients?

_____ YES ☒ NO

If so, give details.

19. Describe your experience as it relates to negotiating and drafting important legal documents, statutes and/or rules.

As a Judge, I do not negotiate or draft legal documents. However, while I was in private practice, I did negotiate or draft documents used in the criminal/civil cases that I was handling. The process included drafting complaints, motion practice and settlement documentation.

20. Have you practiced in adversary proceedings before administrative boards of commissions?

☒ YES _____ NO

If so, please state:

The agencies and the approximate number of adversary proceedings in which you appeared before each agency.

While in private practice, I appeared before the Arizona Department of Motor Vehicles in DUI cases involving license suspensions.

I appeared in approximately 20 - 25 proceedings. All as lead counsel.

The approximate number of these matters in which you appeared as:

20-25 Sole Counsel
 _____ Chief Counsel
 _____ Associate Counsel

21. Have you handled any matters that have been arbitrated or mediated?

City of Scottsdale Judicial Appointment Application | 2011

I primarily appeared in arbitrations proceedings that dealt with my personal injury clients. I have appeared in approximately 10 - 15 arbitrations as lead counsel before I took the bench in 2001. **YES** ☐ **NO** ☐

If so, please state the approximate number of these matters in which you were involved as:

10-15 Sole Counsel
☐ Chief Counsel
☐ Associate Counsel

22. List not more than three (3) contested matters that you negotiated to settlement.

For the past ten years I have been on the bench and do not negotiate settlements since that is not the function of a sitting Judge. During my twenty years of practice, I handled hundreds of cases thru litigation and settlement. This question is not applicable to my present position as a sitting judge.

Please state as to each case:

(1) The date or period of the proceedings;

(2) The names and addresses of all counsel involved and the party each represented;

(3) A summary of the substance of each case;

(4) A statement of any particular significance of the case.

23. Have you represented clients in litigation in Federal or Arizona trial courts?

Yes. As a litigator in the criminal justice system, I appeared in Court nearly every day of my career. As a defense attorney, that was part of my daily routine. I have appeared primarily in Arizona courts on hundreds of cases and approximately 4- 8 federal criminal matters.

YES ☐ **NO** ☐

If so, please state:

The approximate number of cases in which you appeared before:

4 - 6 **Federal Courts**
Over 1500 **State Courts of Record**
Over 150 **Lower Court (Municipal/Justice)**

The approximate percentage of those cases which have been:

2 % **Civil**
98 % **Criminal**

The approximate number of those cases in which you were:

100 % **Sole Counsel**
 _____ **Chief Counsel**
 _____ **Associate Counsel**

24. Have you practiced in the Federal or Arizona appellate courts?

☒ **YES** ☐ **NO**

If so, please state:

The approximate number of your appeals which have been:

0 **Civil**
2 **Criminal**

The approximate number of matters in which you appeared:

As counsel of record on the brief:	In Arizona _____	In U.S. <u>1</u>
Personally in oral argument:	In Arizona <u>1</u>	In U.S. <u>0</u>

25. Have you served as a judicial law clerk or staff attorney to a court?

☐ **YES** ☒ **NO**

If so, please state the name of the court and dates of service, and describe your experience.

26. List not more than three (3) cases in which you litigated or participated in as an attorney before mediators, arbitrators, administrative agencies, trial courts or appellate courts.

I have not litigated a case as an attorney for the last eleven years.

Please state, as to each case:

(1) The date or period of the proceedings.

I appeared in the Maricopa County Superior Court on a very frequent basis as a defense lawyer from 1981 thru 2001.

(2) The name of the court or agency and the name of the presiding judge or officer before whom the case was heard.

2 I have appeared before numerous Superior Court Judges over the years while in private practice. To name a few, Hon. Cecil Patterson, Hon. Ronald Reinstein, Justice Michael Ryan, Hon. Michael Wilkinson, Hon. Robert Hertzberg, Hon. Elizabeth Stover, Hon. Matias Tafoya, Hon. Elizabeth Finn, Hon. Richard Garcia. The list is endless after 20 years of practicing in the legal arena.

(3) The names and addresses of all counsel involved and the party each represented.

City of Scottsdale Judicial Appointment Application | 2011

Some of the opposing counsel I dealt with from the County Attorneys office are: Charles Donofrio (Commissioner), Michael Kemp (Superior Court Judge), James Blake (Scottsdale City Judge), JoAnn Landfair (Phoenix Judge), Karen O'Connor (Superior Court Judge)

(4) A summary of the substance of each case.

All of the cases were criminal.

(5) A statement of any particular significance of the case.

Attach sample copies of not more than two (2) briefs which you personally drafted.

27. Describe any additional experience you would like to bring to the attention of the Board.

In addition to my twenty years of law practice and 10 years of judicial experience, I was also involved with the development of business ventures in Eastern Europe during the 1990's. During that ten year period, I travelled extensively to Ukraine, developing a joint venture in the restaurant business and representing various clients who were interested in expanding their operations in Ukraine. During this time, I was also involved with the Ukrainian American Bar Association as an officer and director. As a member of this organization, I was involved with various symposiums during the initial stages of Ukraine's political and cultural integration into a free society. This was a wonderful opportunity to foster the Rule of Law as we know it in our system of justice in a newly formed country.

28. If you now serve or have previously served as a mediator, an arbitrator, a part-time or full-time judicial officer, or a quasi-judicial officer (e.g., administrative law judge, hearing officer, member of state agency tribunal, member of State Bar professionalism tribunal, member of military tribunal, etc.), give dates and details, including the courts or agencies involved, whether appointed or elected, periods of service, and a thorough description of your assignments at each court or agency. Please include information about the number and kinds of cases or duties you handled at each court or agency (e.g. jury or court trials, settlement conferences, contested hearings, administrative duties, etc.).

As a Judge for the last 10 years in the City of Scottsdale, I have handled numerous cases. The following statistics are not complete, since the criminal cases are purged after 5 years and 7 years for the DUI and Domestic Violence cases. Therefore, the statistics below are missing approximately 8 years of cases so the actual numbers should be higher. The cases that I have handled during this time period are all criminal in nature, i.e. DUI, Domestic Violence, Criminal Traffic, Theft, Prostitution, City Code Violations and Assault among other violations.

For the records the Court does have, the statistics are as follows:

Arraignments	12,661
Pretrials	6,686
Bench Trials	581
Jury Trials	114
Jail Court	3656

29. List not more than five (5) cases which you presided over or heard as a judicial or quasi-judicial officer, mediator or arbitrator.

It is assumed that the function of this question is to determine my performance as a Judge. Since I have handled thousands of cases, I have chosen to provide you with some of the names of the Prosecutors and Defense Attorneys that have appeared before me for these proceedings. They are listed below in section 29 (3). Furthermore, I have attached as an exhibit, the results of my survey results from my last appointment several months ago. These results will provide the reader with an insight regarding my qualifications as a Judge.

Please state, as to each case:

- (1) The date or period of the proceedings.

The last ten years.

- (2) The name of the court or agency and the name of the presiding judge or officer before whom the case was heard.

I was the Judge who handled the case. This question is not applicable.

- (3) The names and addresses of all counsel involved and the party each represented.

Prosecutors: James Neugebauer, Statia Hendrix, Cate Gaudreau, Seth Petersen, Ken Flint Kendra Owens Johnson, Michael De La Cruz, Valerie Thomsen.

Defense Lawyers: Ben Green, Craig Rosenstein, David Burnell Smith, Jeffrey Van Norman, Allcia Morrison, Amy Bain, Paul Ramos, William Cronin, Mark Dubiel, Woody Thompson, Larry Kazan, Lawrence Koplow, Craig Penrod, Jay Volquardsen.

- (4) A summary of the substance of each case.

Criminal DUI, Domestic Violence, Assault and other criminal matters.

- (5) A statement of any particular significance of the case.

Regarding the point below, I've attached two short rulings. As city court judges, we don't write case opinions, but rather provide rulings on various evidentiary matters. Furthermore, I normally do not write my rulings since I rule from the bench on virtually all of my matters. Written rulings are far and few between since I make my rulings on the record verbally right after I hear a matter.

Attach sample copies of not more than two (2) written opinions, if any, whether reported or not.

30. The position you are applying for is Presiding City Judge, which involves administrative and management responsibilities, in addition to judicial responsibilities. Please summarize your administrative, management and supervisory experience that is most relevant to the responsibilities of the Presiding City Judge.

As a practicing lawyer for twenty years prior to taking the bench, I was involved in every aspect of operating a law office. I was involved with managing personnel, hiring, recruitment and formulating policy. I also handled all budget issues and managed all financial aspects of the firm. As a sole practitioner, I handled all of the daily management

duties of running the office on top of my daily practice issues. Also, during much of the last ten years of practice, I oversaw some of the aspects of a joint venture that I had created in Ukraine. That venture would encompass decisions regarding employment, local political issues, budget, business development strategy and marketing. The overseas experience was invaluable. These are a few of my past experiences that have prepared me for the position of Presiding Judge

In addition, now that I have been with the Court for the past ten years, I have become very familiar with the workings of the Court, the functions of the different departments and the overall operation of the Court. Stepping into the Presiding Judge's role would be a natural progression based on my experience and knowledge of the workings of the administrative side of the Court as well as all courtroom operations from the practical perspective.

D. BUSINESS AND FINANCIAL INFORMATION

31. Have you ever been engaged in any occupation, business or profession other than the practice of law or holding a judicial or other public office?

☒ **YES** ☐ **NO**

If so, please give details, including dates.

I was involved as a partner with my father in developing business opportunities in Ukraine. One of our major undertakings was the formulation of a joint venture in Ukraine in the pizza restaurant business. Since taking the bench, I have not been involved in the business on any active level.

32. Are you now an officer, director or majority stockholder, or otherwise engaged in the management, of any business enterprise?

☐ **YES** ☒ **NO**

If so, give details, including the name of the enterprise, the nature of the business, the title or other description of your position, the nature of your duties, and the term of your service.

Is it your intention to resign from such positions and withdraw from any participation in the management of such enterprises if you are nominated or appointed?

☐ **YES** ☐ **NO**

33. Have you failed to file your state or federal income tax returns in the years you were legally required to file them?

☐ **YES** ☒ **NO**

If so, please explain.

34. Have you paid all state, federal and local taxes when due?

_____ YES ☒ NO

If not, please explain.

At present, my wife and I have arranged a payment plan to pay the necessary portion of our 2010 federal tax.

35. Have you ever violated a court order including but not limited to an order for payment of child or spousal support? If so, please explain.

_____ YES ☒ NO

If so, please explain.

E. CONDUCT AND ETHICS

36. Have you ever been expelled, terminated or suspended from employment, or any school or course of learning, on account of plagiarism, cheating, or any other "cause" that might reflect in any way on your integrity?

_____ YES ☒ NO

If the answer is "Yes", please provide all pertinent details.

37. Have you ever been arrested for or convicted of any felony, misdemeanor, or violation of the Uniform Code of Military Justice? If so, please provide details.

☒ YES ☒ NO

If so, please provide details.

38. If you performed military service, please indicate the date and type of discharge. If less than honorable discharge, please explain.

N/A

39. List and describe any litigation concerning your practice of law in which you are or were a party.

None

40. List and describe any sanctions imposed upon you by any courts or judicial oversight bodies for violation of any rule or procedure or for any other professional impropriety.

None

City of Scottsdale Judicial Appointment Application | 2011

41. To your knowledge, has any formal charge of professional misconduct ever been filed against you by the State Bar or any other official attorney disciplinary body in any jurisdiction?

☐ YES ☒ NO

If so, when? How was it resolved?

42. During the last ten (10) years, have you unlawfully used controlled substances, narcotic drugs or dangerous drugs as defined by Federal and State laws?

☐ YES ☐ NO

If your answer is "Yes", explain in detail. (Unlawful use includes the use of one or more drugs and/or the unlawful possession or distribution of drugs. It does not include the use of drugs taken under the supervision of a licensed health care professional or other uses authorized by Federal law provisions.)

43. In the past year, have you been reprimanded, demoted, disciplined, placed on probation, suspended, cautioned or terminated by an employer as a result of your alleged consumption of alcohol, prescription drugs or illegal use of drugs?

☐ YES ☐ NO

If so, please state the circumstances under which such action was taken, the name(s) of any person(s) who took such action, and the background and resolution of such action.

44. Within the last five (5) years, have you ever been formally reprimanded, demoted, disciplined, placed on probation, cautioned, suspended or terminated by an employer? If so, please state the circumstances under which such action was taken, the date(s) such action was taken, the names of any person(s) who took such action, and the background and resolution of such action.

No

45. Have any of your current or former co-workers, subordinates, supervisors, customers or clients ever filed a complaint or accusation of misconduct against you with any regulatory or investigatory agency, or with your employer? If so, please state the date(s) of such accusation(s), the specific accusation(s) made, and the background and resolution of such action(s).

No

46. In the past year, have you ever failed to meet any deadline imposed by court order or received notice that you have not complied with substantive requirements of any business or contractual arrangement? If so, please explain in full.

No

47. Are there any other issues pertaining to judicial conduct or ethics that should be disclosed to the Board?

_____ YES ☒ NO

If you answered "Yes", please explain.

F. PROFESSIONAL AND PUBLIC SERVICE

48. Are you in compliance with the continuing legal education requirements applicable to you as a lawyer or judge?

☒ YES _____ NO

If no, please explain.

49. Have you taught any courses on law or lectured at bar associations, conferences, law school forums, or continuing legal education seminars?

☒ YES _____ NO

If so, please describe.

In the 1990's, I was regularly a speaker on doing business in Eastern Europe, more specifically Ukraine. I have spoken before the Ukrainian American Bar Association, Arizona State Bar (1994), The Washington Group yearly conference as well as a business group in Boston, Mass.

In addition, on several occasions, I have taught on the topic of ethics to our staff and for our pro tem judge orientation program.

50. List memberships and activities in professional organizations, including offices held and dates:

Arizona Bar 1981 - Present
 Arizona Magistrates Association
 Arizona Attorneys for Criminal Justice (During private practice)
 Ukrainian American Bar Association
 World Congress of Ukrainian Lawyers
 National Association of Criminal Defense Lawyers

Have you served on any committees of any bar association (local, state or national) or have you performed any other significant service to the bar? List offices held in bar associations or on bar committees. Provide information about any activities in connection

City of Scottsdale Judicial Appointment Application | 2011

with pro bono legal services (defined as services to the indigent for no fee), legal related volunteer community activities or the like.

Ukrainian American Bar Association
1985-1995 Board Member
1992-1995 Vice President
1995-1997 President
Arizona State Bar 1993-1995 International Committee

51. Describe the nature and dates of any public service you consider relevant to your ability to serve your community as a judge.

N/A

52. List any professional or civic honors, awards, or other forms of recognition, which you have received.

As a volunteer, I was heavily involved as a soccer coach/trainer for a soccer club in the community. After twelve years of service, I received an award for my volunteer efforts in teaching the game of soccer to the youth of our community.

53. List any elected or appointed offices, which you have held and/or for which you have been a candidate, and the dates.

Appointed to the bench for the Scottsdale City Court since May, 2001.

G. REFERENCES

54. Please list the names, addresses and telephone numbers of two (2) references who are lawyers or judges, and who are familiar with your professional activities, who would enthusiastically recommend you as qualified to serve on the judiciary.

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

City of Scottsdale Judicial Appointment Application | 2011

55. Please list the names, addresses and telephone numbers of two (2) persons who are neither lawyers nor judges with whom you have had contact other than professionally, who would enthusiastically recommend you as qualified to serve on the judiciary.

[REDACTED]

[REDACTED]

56. Please list the names, addresses and telephone numbers of two (2) lawyers with whom you have dealt in a meaningful way as adversaries in the last five (5) years. Please provide the names of those whom you have dealt with continuously on substantive matters. If you have been a full-time judicial or quasi-judicial officer for the past five years, please list the names, addresses and telephone numbers of four (4) lawyers who have frequently appeared before you in contested matters.

Defense Attorney's

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Prosecuting Attorney's

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

City of Scottsdale Judicial Appointment Application | 2011

57. Please list the names, addresses and telephone numbers of two (2) co-workers who you have supervised in the past three (3) years.

H. ADDITIONAL INFORMATION

58. Please provide any additional information relative to your application or qualifications that you would like to bring to the attention of the Board at this time.

59. If you are recommended by this Board and appointed by the City Council to serve, are you aware of any reason why you would be unable or unwilling to serve a two-year term?

_____ YES ☒ NO

If so, please explain.

60. If you are not currently a Scottsdale resident, are you willing to relocate to Scottsdale within six (6) months of the start of employment should it be required by City Council?

I am a resident YES _____ NO

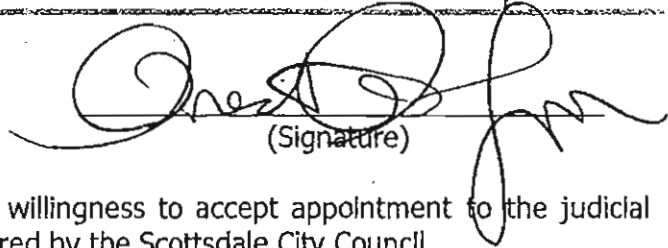
The undersigned hereby authorizes the Committees of the State Bar of Arizona, all Bar Associations, references, employers, credit reporting agencies, business and professional associates, and all governmental agencies to release to the Scottsdale Judicial Appointments Advisory Board and the City of Scottsdale any information requested by said Board in connection with the processing of my request for consideration as a judicial candidate.

I certify that all the information provided herein is true and complete to the best of my knowledge. I agree and understand that omissions, misstatements, and falsifications will cause forfeiture on my part of all eligibility to any employment with the City of Scottsdale and may be cause for rejection of this application or discharge from City employment. In addition, I give the Judicial Appointments Advisory Board and the City of Scottsdale the right to investigate and verify any information obtained through the application process. Permission is granted and I release from any and all liability any employer, agency, or individual assisting the Board or the City of Scottsdale in providing relevant, job related information or survey data that will assist with this process.

My signature below acknowledges my understanding and agreement with the above.

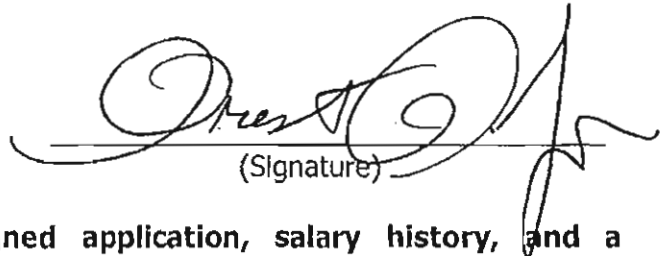
City of Scottsdale Judicial Appointment Application | 2011

Date: 8/24/11



(Signature)

Submission of this application expresses my willingness to accept appointment to the judicial position applied for in this application if tendered by the Scottsdale City Council.



(Signature)

Please submit the completed and signed application, salary history, and a comprehensive resume via email or U.S. Postal Service to:

Judy Dewey
Human Resources
7575 East Main Street
Scottsdale, AZ 85251
jdewey@ScottsdaleAz.Gov

RESUME

Orest A. Jejna
[REDACTED]
Scottsdale, Arizona [REDACTED]
[REDACTED]

Experience

May 2001- Present Associate Judge, City of Scottsdale

Aug. 1985-April 2001 Private Practice, Phoenix, Arizona

Aug. 1984-Aug. 1985 Associate, Phillips and Lyon

April 1982-Aug. 1984 Deputy Public Defender Maricopa County

Oct. 1981-March 1982 Private Practice, Phoenix, Arizona

Aug, 1979-May 1981 Law clerk, Firm of Fred G. Blum, Rochester, N.Y.

Education

Seattle University 1976-1979 Juris Doctor

St. John Fisher College 1976-1979 Bachelor of Sciences (Management)

Salary History

July 1, 2009 – Present [REDACTED]

Courtroom Events for Hon. Orest Jejna

5/1/01 – 8/22/11

Arraignments	12,661
PTCs	6,686
Bench Trials	561
Jury Trials	114
Jail Court	3,656

Data compiled excludes cases purged per court's records retention schedule:

- Criminal cases 5 years beyond term date
- Criminal DUI and DV cases 7 years beyond term date



March 18, 2011

Ms. Valerie Wegner
City of Scottsdale
Human Resources Systems
7575 E. Main Street
Scottsdale, AZ 85251

Subject: Re-Appointment Report for Judge Orest Jejna

Dear Valerie:

The following pages provide the survey materials in support of the re-appointment process for Judge Orest Jejna. This letter provides assistance in interpreting these materials.

Surveys Distributed and Returned

You provided RIS with listings containing names and mailing information for private attorneys, prosecutors, other city judges, defendants, witnesses, and court staff. For attorneys, defendants, witnesses and jurors, the lists included those who appeared before Judge Jejna between October 1 and December 31, 2010. We mailed surveys to all of the individuals identified.

I've attached a spreadsheet that provides the counts of surveys distributed and received. A total of 613 surveys were distributed for the current report period. Of those, the post office returned 26 (4.2 percent) as undeliverable, and we received a total of 105 usable surveys for an effective response rate of 17.9 percent.

Interpreting Statistical Reports

The "SUMMARY - All Reports thru Current" sheets provide the combined results for all of the responses we have received since the beginning of our work with the City, including those for this report. As this report provides information for only one judge, we have not submitted a summary report for the current period.

At the top of the report page, under the "City of Scottsdale Judicial Appointment Advisory Board" line, the report provides Name of Judge, Total Surveys, and Prepared. The Total Surveys number is the total of all surveys received: attorney, defendant/plaintiff, juror and staff. The Prepared field is the date on which the results are compiled.

For the numerical and percentage reports, the survey questions are in the left-most column and are categorized into Legal Ability, Integrity, Communication Skills, Judicial Temperament, and Administrative Performance. The responses to each question are displayed on the line corresponding to the question under the appropriate respondent group. These responses give the number (or percentage) of respondents who rated the judge as:

Attachment 3

City of Scottsdale

Judge Orest Jejna

March 16, 2011

UN	=	Unacceptable (0 points)
PO	=	Poor (1 point)
SA	=	Satisfactory (2 points)
VG	=	Very Good (3 points)
SU	=	Superior (4 points)

Mean scores are based on a scale of zero to four, with an Unacceptable response worth zero points and a Superior response worth four points. A category summary is given at the bottom of each category, for example, "Legal Ability Summary." These summaries are the total of each response for all questions in that category and are intended to provide an overall value so that a judge's ratings could be compared across categories.

A legend for translating the response categories is located at the bottom of each page, along with a statement of the time period for which surveys were distributed. The second page merely provides the percentages for all of the numerical responses on the first page. The reports for Judge Jejna are laid out in the same manner and provide the same information.

Thank you for the opportunity to provide this information. As always, please call me at [REDACTED] if you have any questions or require any additional information.

Sincerely,

James E. Riggs

(signed)

James E. Riggs
President

Attachments

Attachment 3

City of Scottsdale

Judge Orest Jejna

March 16, 2011

Scottsdale City Court
Survey Distribution and Receipt Summary
Judge Orest Jejna
March 2011

Respondent Group	Distributed	Returned ND	Net Dist.	Received	Rate
Attorneys	91	2	89	21	23.6%
- Peer Judges	3	0	3	3	100.0%
- Attorneys	88	2	86	18	20.9%
Defendants/Witnesses	400	24	376	30	8.0%
- Defendants	271	19	252	11	4.4%
- Witnesses	129	5	124	19	15.3%
Jurors	63	0	63	14	22.2%
Court Staff	59	0	59	40	67.8%
Total	613	26	587	105	17.9%

**CITY OF SCOTTSDALE
JUDICIAL APPOINTMENT ADVISORY BOARD**

**SUMMARY OF
STATISTICAL DATA REPORTS
AS OF MARCH 16, 2011**

Including Current Reports

These reports are the combined results for all of the responses received, for all judges, since Research & Information Specialists began its work with the City of Scottsdale in 2001. This combined summary report provides an overall average rating in each of the various judicial performance areas for comparative purposes with the incumbent judge's current report ratings.

CITY OF SCOTTSDALE JUDICIAL APPOINTMENT ADVISORY BOARD

Name of Judge: SUMMARY - All Reports thru Current	Total Surveys: 2731							Prepared: March 16, 2011																				
	ATTORNEY					570	DEFENDANT/PLAINTIFF					1473	JUROR					207	STAFF					481				
	UN	PO	SA	VG	SU	Total	Mean	UN	PO	SA	VG	SU	Total	Mean	UN	PO	SA	VG	SU	Total	Mean	UN	PO	SA	VG	SU	Total	Mean
I: Legal Ability																												
Legal reasoning ability.	18	34	70	125	250	498	3.1																					
Knowledge of substantive law.	13	36	66	123	258	496	3.2																					
Knowledge of rules of evidence.	13	34	69	109	257	482	3.2																					
Knowledge of rules of procedure.	14	27	74	125	265	505	3.2																					
Knowledge of laws pertaining to sentencing.	10	15	82	119	272	498	3.3																					
Keeps up to date.	9	23	63	103	255	453	3.3																					
Legal Ability Summary	78	169	424	704	1557	2932	3.2																					
II: Integrity																												
Conduct free from impropriety.	20	23	63	87	318	511	3.3																					
Equal treatment regardless of race.	7	7	60	83	315	472	3.5	30	21	200	365	468	1084	3.1	1	0	11	54	91	157	3.5	2	8	43	88	278	419	3.5
Equal treatment regardless of gender.	10	14	56	82	313	475	3.4	32	30	218	345	490	1115	3.1	1	0	11	60	96	168	3.5	5	15	39	96	266	421	3.4
Equal treatment regardless of economic status.	13	11	61	78	312	475	3.4	48	55	190	339	480	1112	3.0	0	0	12	56	94	162	3.5	7	7	45	92	269	420	3.6
Avoided prejudging outcome of case.	36	39	51	78	297	501	3.1								0	0	11	52	112	175	3.6							
Basic fairness and impartiality.	38	35	49	85	310	517	3.1	71	74	188	338	516	1185	3.0	0	0	12	56	112	180	3.6	7	19	41	77	282	426	3.4
Exhibits personal integrity.																												
Integrity Summary	124	129	340	493	1865	2951	3.3	181	188	794	1387	1954	4496	3.1	2	0	57	278	505	842	3.5	24	63	211	434	1391	2123	3.5
III: Communication Skills.																												
Clear and logical oral communications/directions.	12	32	83	113	272	512	3.2	39	62	209	370	535	1215	3.1	1	0	10	64	108	183	3.5	6	19	53	128	233	439	3.3
Clear and logical written decisions.	17	27	38	85	224	392	3.2																					
Explained proceedings to the jury.															1	0	11	55	118	185	3.6							
Explained reasons for delays.															1	0	13	43	91	148	3.5							
Clear explanations of the juror's responsibilities.															1	0	8	58	117	182	3.6							
Clear instructions to the jury.															1	1	7	57	116	182	3.6							
Communication Skills Summary	29	59	122	198	496	904	3.2	39	62	209	370	535	1215	3.1	5	1	49	275	550	888	3.6	8	19	53	128	233	439	3.3
IV: Judicial Temperament																												
Understanding and compassion.	25	36	83	95	267	508	3.1	83	85	202	380	447	1197	2.9	1	0	17	50	87	155	3.4	9	21	62	109	227	428	3.2
Dignified.	20	19	69	122	286	516	3.2	47	47	228	367	526	1205	3.1	1	0	12	54	96	183	3.5	6	11	63	102	261	443	3.4
Courteous.	24	20	75	104	296	519	3.2	50	74	210	362	513	1209	3.0														
Courteous to litigants.															1	1	10	52	98	162	3.5							
Courteous to jurors.															1	0	9	49	104	163	3.6							
Is accessible.	11	14	68	106	276	475	3.3																					
Conduct that promoted public confidence in the court and judge's ability.	31	34	53	104	288	510	3.1	73	76	181	333	527	1190	3.0	1	1	11	48	97	158	3.5	13	14	46	87	270	430	3.4
Judicial Temperament Summary	111	123	348	531	1413	2526	3.2	253	282	821	1432	2013	4801	3.0	5	2	59	253	482	801	3.5	37	63	226	405	1014	1745	3.3
V: Administrative Performance																												
Punctuality in conducting proceedings.	10	14	102	125	250	501	3.2	48	78	262	382	421	1189	2.9	1	1	15	53	92	162	3.4	9	22	53	107	219	410	3.2
Maintenance of proper control over courtroom.	10	16	76	108	293	503	3.3	28	35	222	357	544	1184	3.1	1	0	9	51	104	165	3.6	6	12	39	104	246	406	3.4
Promptness in making rulings and rendering decisions.	7	9	82	124	266	488	3.3																					
Hard worker.	7	13	58	96	264	438	3.4	32	38	160	292	411	933	3.1	0	2	6	32	74	114	3.6	6	6	40	74	293	421	3.5
Respectful treatment of staff.																												
Cooperation with peers.																												
Cooperation with staff.																												
Efficient management of calendar.	12	21	65	106	250	454	3.2																					
Admin. Performance Summary	46	73	383	559	1323	2384	3.3	104	151	644	1031	1376	3306	3.0	2	3	30	136	270	441	3.5	59	108	320	654	1785	2924	3.4

UN=Unacceptable, PO=Poor
SA=Satisfactory, VG=Very Good, SU=Superior

This summary is based on the results for all Scottsdale judicial surveys reported as of March 16, 2011, including the current report.

CITY OF SCOTTSDALE JUDICIAL APPOINTMENT ADVISORY BOARD

Name of Judge:

Total Surveys:

2731

Prepared:

March 16, 2011

SUMMARY - All Reports thru Current

SUMMARY - All Reports thru Current	ATTORNEY						570		DEFENDANT/PLAINTIFF						1473		JUROR						207		STAFF						481	
	UN	PO	SA	VG	SU	Total	Mean	UN	PO	SA	VG	SU	Total	Mean	UN	PO	SA	VG	SU	Total	Mean	UN	PO	SA	VG	SU	Total	Mean				
I: Legal Ability																																
Legal reasoning ability.	4%	7%	14%	25%	50%	100%	3.1																									
Knowledge of substantive law.	3%	7%	13%	25%	52%	100%	3.2																									
Knowledge of rules of evidence.	3%	7%	14%	23%	53%	100%	3.2																									
Knowledge of rules of procedure.	3%	5%	15%	25%	52%	100%	3.2																									
Knowledge of laws pertaining to sentencing.	2%	3%	16%	24%	55%	100%	3.3																									
Keeps up to date.	2%	5%	14%	23%	56%	100%	3.3																									
Legal Ability Summary	3%	6%	14%	24%	53%	100%	3.2																									
II: Integrity																																
Conduct free from impropriety.	4%	5%	12%	17%	62%	100%	3.3																									
Equal treatment regardless of race.	1%	1%	13%	18%	67%	100%	3.5	3%	2%	18%	34%	43%	100%	3.1	1%	0%	7%	34%	58%	100%	3.5	0%	2%	10%	21%	56%	100%	3.5				
Equal treatment regardless of gender.	2%	3%	12%	17%	66%	100%	3.4	3%	3%	20%	31%	44%	100%	3.1	1%	0%	7%	36%	57%	100%	3.5	1%	4%	9%	23%	63%	100%	3.4				
Equal treatment regardless of economic status.	3%	2%	13%	16%	66%	100%	3.4	4%	5%	17%	30%	43%	100%	3.0	0%	0%	7%	35%	58%	100%	3.5	2%	2%	11%	22%	64%	100%	3.5				
Avoided prejudging outcome of case.	7%	8%	10%	16%	59%	100%	3.1								0%	0%	6%	30%	64%	100%	3.6											
Basic fairness and impartiality.	7%	7%	9%	16%	60%	100%	3.1	6%	6%	16%	29%	44%	100%	3.0	0%	0%	7%	31%	62%	100%	3.6	2%	4%	10%	18%	56%	100%	3.4				
Exhibits personal integrity.																																
Integrity Summary	4%	4%	12%	17%	63%	100%	3.3	4%	4%	18%	31%	43%	100%	3.1	0%	0%	7%	33%	60%	100%	3.5	1%	3%	10%	20%	66%	100%	3.5				
III: Communication Skills																																
Clear and logical oral communications/directions.	2%	6%	16%	22%	53%	100%	3.2	3%	5%	17%	30%	44%	100%	3.1	1%	0%	5%	35%	59%	100%	3.5	1%	4%	12%	29%	53%	100%	3.3				
Clear and logical written decisions.	4%	7%	10%	22%	57%	100%	3.2																									
Explained proceedings to the jury.															1%	0%	6%	30%	64%	100%	3.6											
Explained reasons for delays.															1%	0%	9%	29%	61%	100%	3.5											
Clear explanations of the juror's responsibilities.															1%	0%	4%	31%	64%	100%	3.6											
Clear instructions to the jury.															1%	1%	4%	31%	64%	100%	3.6											
Communication Skills Summary	3%	7%	13%	22%	55%	100%	3.2	3%	5%	17%	30%	44%	100%	3.1	1%	0%	5%	31%	63%	100%	3.6	1%	4%	12%	29%	53%	100%	3.3				
IV: Judicial Temperament																																
Understanding and compassion.	5%	7%	16%	19%	53%	100%	3.1	7%	7%	17%	32%	37%	100%	2.9	1%	0%	11%	32%	56%	100%	3.4	2%	5%	14%	25%	53%	100%	3.2				
Dignified.	4%	4%	13%	24%	55%	100%	3.2	4%	4%	19%	30%	44%	100%	3.1	1%	0%	7%	33%	59%	100%	3.5	1%	2%	14%	23%	69%	100%	3.4				
Courteous.	5%	4%	14%	20%	57%	100%	3.2	4%	6%	17%	30%	42%	100%	3.0								2%	4%	12%	24%	58%	100%	3.3				
Courteous to litigants.															1%	1%	6%	32%	60%	100%	3.5											
Courteous to jurors.															1%	0%	6%	30%	64%	100%	3.6											
Is accessible.	2%	3%	14%	22%	58%	100%	3.3																									
Conduct that promoted public confidence																																
In the court and judge's ability.	6%	7%	10%	20%	56%	100%	3.1	6%	6%	15%	28%	44%	100%	3.0	1%	1%	7%	30%	61%	100%	3.5	3%	3%	11%	20%	63%	100%	3.4				
Judicial Temperament Summary	4%	5%	14%	21%	56%	100%	3.2	5%	6%	17%	30%	42%	100%	3.0	1%	0%	7%	32%	60%	100%	3.5	2%	4%	13%	23%	58%	100%	3.3				
V: Administrative Performance																																
Punctuality in conducting proceedings.	2%	3%	20%	25%	50%	100%	3.2	4%	7%	22%	32%	35%	100%	2.9	1%	1%	9%	33%	57%	100%	3.4	2%	5%	13%	26%	53%	100%	3.2				
Maintenance of proper control over courtroom.	2%	3%	15%	21%	58%	100%	3.3	2%	3%	19%	30%	46%	100%	3.1	1%	0%	5%	31%	63%	100%	3.6	1%	3%	10%	26%	61%	100%	3.4				
Promptness in making rulings and rendering decisions.	1%	2%	17%	25%	65%	100%	3.3																									
Hard worker.	2%	3%	13%	22%	60%	100%	3.4	3%	4%	17%	31%	44%	100%	3.1	0%	2%	5%	28%	65%	100%	3.6	1%	2%	10%	18%	70%	100%	3.5				
Respectful treatment of staff.																						3%	4%	11%	19%	63%	100%	3.4				
Cooperation with peers.																						1%	2%	11%	23%	63%	100%	3.5				
Cooperation with staff.																						2%	5%	10%	22%	60%	100%	3.3				
Efficient management of calendar.	3%	5%	14%	23%	55%	100%	3.2															2%	5%	13%	24%	56%	100%	3.3				
Admin. Performance Summary	2%	3%	16%	23%	55%	100%	3.3	3%	5%	19%	31%	42%	100%	3.0	0%	1%	7%	31%	61%	100%	3.5	2%	4%	11%	22%	61%	100%	3.4				

UN=Unacceptable, PO=Poor

SA=Satisfactory, VG=Very Good, SU=Superior

This summary is based on the results for all Scottsdale judicial surveys reported as of March 16, 2011, including the current report.

**CITY OF SCOTTSDALE
JUDICIAL APPOINTMENT ADVISORY BOARD**

**STATISTICAL DATA REPORTS
FOR**

**JUDGE OREST JEJNA
PREPARED MARCH 16, 2011**

CITY OF SCOTTSBLAE JUDICIAL APPOINTMENT ADVISORY BOARD

Name of Judge:
Orest Nejma

Total Surveys: 105

Prepared: March 16, 2011

Orest Jajna	ATTORNEY					21		DEFENDANT/WITNESS					30		JUROR					14		STAFF					40	
	UN	PO	SA	VG	SU	Total	Mean	UN	PO	SA	VG	SU	Total	Mean	UN	PO	SA	VG	SU	Total	Mean	UN	PO	SA	VG	SU	Total	Mean
I: Legal Ability																												
Legal reasoning ability.	0	1	1	5	14	21	3.5																					
Knowledge of substantive law.	0	1	1	6	13	21	3.5																					
Knowledge of rules of evidence.	0	1	1	4	14	20	3.6																					
Knowledge of rules of procedure.	0	1	1	5	14	21	3.5																					
Knowledge of laws pertaining to sentencing.	0	1	1	5	14	21	3.5																					
Keeps up to date.	0	1	1	4	14	20	3.6																					
Legal Ability Summary	0	6	6	29	83	124	3.5																					
II: Integrity																												
Conduct free from impropriety.	0	1	1	1	18	21	3.7																					
Equal treatment regardless of race.	0	0	2	0	16	18	3.8	0	0	3	10	12	25	3.4	0	0	0	4	8	12	3.7	0	0	1	3	34	38	3.9
Equal treatment regardless of gender.	0	0	2	0	17	19	3.8	0	0	3	10	12	25	3.4	0	0	0	4	8	12	3.7	0	0	1	3	34	38	3.9
Equal treatment regardless of economic status.	0	0	1	1	17	19	3.8	1	0	2	9	13	25	3.3	0	0	0	4	8	12	3.7	0	0	1	4	33	38	3.8
Avoided prejudging outcome of case.	0	2	1	1	17	21	3.6								0	0	0	4	8	12	3.7							
Basic fairness and impartiality.	0	1	2	1	17	21	3.6	1	0	2	8	13	24	3.3	0	0	0	4	8	12	3.7	0	0	2	2	35	39	3.8
Exhibits personal integrity.															0	0	1	3	35	39	3.9							
Integrity Summary	0	4	9	4	102	119	3.7	2	0	10	37	50	99	3.3	0	0	0	20	40	60	3.7	0	0	6	15	171	192	3.9
III: Communication Skills																												
Clear and logical oral communications/directions.	0	0	3	3	14	20	3.6	0	1	3	8	13	25	3.3	0	0	0	2	9	11	3.8	0	0	3	9	27	39	3.6
Clear and logical written decisions.	1	0	1	2	11	15	3.5																					
Explained proceedings to the jury.															0	0	0	2	10	12	3.8							
Explained reasons for delays.															0	0	0	2	9	11	3.8							
Clear explanations of the juror's responsibilities.															0	0	0	2	9	11	3.8							
Clear instructions to the jury.															0	0	0	2	9	11	3.8							
Communication Skills Summary	1	0	4	5	25	35	3.5	0	1	3	8	13	25	3.3	0	0	0	10	46	56	3.8	0	0	3	9	27	39	3.6
IV: Judicial Temperament																												
Understanding and compassion.	0	0	3	1	17	21	3.7	1	1	2	9	11	24	3.2	0	0	1	3	7	11	3.5	0	0	1	4	33	38	3.8
Dignified.	0	0	2	2	17	21	3.7	0	1	1	10	12	24	3.4	0	0	1	3	8	12	3.6	0	0	1	3	35	39	3.9
Courteous.	0	0	2	3	16	21	3.7	0	0	3	9	13	25	3.4								0	0	1	2	36	39	3.9
Courteous to litigants.															0	0	1	1	10	12	3.8							
Courteous to jurors.															1	0	0	1	10	12	3.6							
Is accessible.	0	0	2	2	16	20	3.7																					
Conduct that promoted public confidence in the court and judge's ability.	0	1	0	4	16	21	3.7	0	1	1	11	11	24	3.3	0	1	0	2	8	11	3.5	0	0	2	4	33	39	3.8
Judicial Temperament Summary	0	1	9	12	82	104	3.7	1	3	7	39	47	97	3.3	1	1	3	10	43	58	3.6	0	0	5	13	137	155	3.9
V: Administrative Performance																												
Punctuality in conducting proceedings.	0	0	3	6	10	19	3.4	0	0	3	11	10	24	3.3	0	0	2	2	8	12	3.5	0	2	4	9	23	38	3.4
Maintenance of proper control over courtroom.	0	0	3	5	12	20	3.5	0	1	3	9	12	25	3.3	0	0	1	2	8	11	3.6	0	1	1	11	25	38	3.6
Promptness in making rulings and rendering decisions.	0	0	2	6	12	20	3.5																					
Hard worker.	0	1	1	4	12	18	3.5	0	0	2	9	9	20	3.4	0	0	1	2	7	10	3.6	0	0	1	4	33	38	3.8
Respectful treatment of staff.																						0	0	1	2	36	39	3.9
Cooperation with peers.																						0	0	1	4	30	35	3.8
Cooperation with staff.																						0	0	1	3	36	40	3.9
Efficient management of calendar.	0	0	3	4	12	19	3.5															1	3	5	9	18	35	3.1
Admin. Performance Summary	0	1	12	25	58	96	3.5	0	1	8	29	31	69	3.3	0	0	4	6	23	33	3.6	1	6	14	42	201	264	3.7

UN=Unacceptable, PO=Poor
SA=Satisfactory, VG=Very Good, SU=Superior

Surveys were distributed to individuals who had appeared in court between October 1 and December 31, 2010.

CITY OF SCOTTSBLAE JUDICIAL APPOINTMENT ADVISORY BOARD

Name of Judge:
Orest Jejna

Total Surveys:

105

Prepared:

March 18, 2011

Crest Jefna	ATTORNEY							21							DEFENDANT/PLAINTIFF							30							JUROR							14							STAFF							40						
	UN	PO	SA	VG	SU	Total	Mean	UN	PO	SA	VG	SU	Total	Mean	UN	PO	SA	VG	SU	Total	Mean	UN	PO	SA	VG	SU	Total	Mean	UN	PO	SA	VG	SU	Total	Mean																					
I: Legal Ability																																																								
Legal reasoning ability.	0%	5%	5%	24%	67%	100%	3.5																																																	
Knowledge of substantive law.	0%	5%	5%	29%	62%	100%	3.5																																																	
Knowledge of rules of evidence.	0%	5%	5%	20%	70%	100%	3.6																																																	
Knowledge of rules of procedure.	0%	5%	5%	24%	67%	100%	3.5																																																	
Knowledge of laws pertaining to sentencing.	0%	5%	5%	24%	67%	100%	3.5																																																	
Keeps up to date.	0%	5%	5%	20%	70%	100%	3.6																																																	
Legal Ability Summary	0%	5%	5%	23%	67%	100%	3.5																																																	
II: Integrity																																																								
Conduct free from impropriety.	0%	5%	5%	5%	86%	100%	3.7																																																	
Equal treatment regardless of race.	0%	0%	11%	0%	89%	100%	3.8	0%	0%	12%	40%	48%	100%	3.4	0%	0%	0%	33%	67%	100%	3.7	0%	0%	3%	8%	89%	100%	3.9																												
Equal treatment regardless of gender.	0%	0%	11%	0%	89%	100%	3.8	0%	0%	12%	40%	48%	100%	3.4	0%	0%	0%	33%	67%	100%	3.7	0%	0%	3%	8%	89%	100%	3.9																												
Equal treatment regardless of economic status.	0%	0%	5%	5%	89%	100%	3.8	4%	0%	8%	36%	52%	100%	3.3	0%	0%	0%	33%	67%	100%	3.7	0%	0%	3%	11%	87%	100%	3.8																												
Avoided prejudging outcome of case.	0%	10%	5%	5%	81%	100%	3.6								0%	0%	0%	33%	67%	100%	3.7																																			
Basic fairness and impartiality.	0%	5%	10%	5%	81%	100%	3.6	4%	0%	8%	33%	54%	100%	3.3	0%	0%	0%	33%	67%	100%	3.7	0%	0%	5%	5%	90%	100%	3.8																												
Exhibits personal integrity.															0%	0%	3%	8%	90%	100%	3.9	0%	0%	3%	8%	89%	100%	3.9																												
Integrity Summary	0%	3%	8%	3%	86%	100%	3.7	2%	0%	10%	37%	51%	100%	3.3	0%	0%	0%	33%	67%	100%	3.7	0%	0%	3%	8%	89%	100%	3.9																												
III: Communication Skills																																																								
Clear and logical oral communications/directions.	0%	0%	15%	15%	70%	100%	3.6	0%	4%	12%	32%	52%	100%	3.3	0%	0%	0%	18%	82%	100%	3.8	0%	0%	8%	23%	69%	100%	3.6																												
Clear and logical written decisions.	7%	0%	7%	13%	73%	100%	3.5																																																	
Explained proceedings to the jury.																																																								
Explained reasons for delays.																																																								
Clear explanations of the juror's responsibilities.																																																								
Clear instructions to the jury.																																																								
Communication Skills Summary	3%	0%	11%	14%	71%	100%	3.5	0%	4%	12%	32%	52%	100%	3.3	0%	0%	0%	18%	82%	100%	3.8	0%	0%	8%	23%	69%	100%	3.6																												
IV: Judicial Temperament																																																								
Understanding and compassion.	0%	0%	14%	5%	81%	100%	3.7	4%	4%	8%	38%	46%	100%	3.2	0%	0%	9%	27%	64%	100%	3.5	0%	0%	3%	11%	87%	100%	3.8																												
Dignified.	0%	0%	10%	10%	81%	100%	3.7	0%	4%	4%	42%	50%	100%	3.4	0%	0%	8%	25%	67%	100%	3.6	0%	0%	3%	8%	90%	100%	3.9																												
Courteous.	0%	0%	10%	14%	76%	100%	3.7	0%	0%	12%	36%	52%	100%	3.4																																										
Courteous to litigants.																																																								
Courteous to jurors.																																																								
Is accessible.	0%	0%	10%	10%	80%	100%	3.7								8%	0%	0%	8%	83%	100%	3.6																																			
Conduct that promoted public confidence in the court and judge's ability.	0%	5%	0%	19%	76%	100%	3.7	0%	4%	4%	46%	46%	100%	3.3	0%	9%	0%	18%	73%	100%	3.5	0%	0%	5%	10%	85%	100%	3.8																												
Judicial Temperament Summary	0%	1%	9%	12%	79%	100%	3.7	1%	3%	7%	40%	48%	100%	3.3	2%	2%	5%	17%	74%	100%	3.6	0%	0%	3%	8%	88%	100%	3.9																												
V: Administrative Performance																																																								
Punctuality in conducting proceedings.	0%	0%	16%	32%	53%	100%	3.4	0%	0%	13%	46%	42%	100%	3.3	0%	0%	17%	17%	67%	100%	3.5	0%	5%	11%	24%	61%	100%	3.4																												
Maintenance of proper control over courtroom.	0%	0%	15%	25%	60%	100%	3.5	0%	4%	12%	36%	48%	100%	3.3	0%	0%	9%	18%	73%	100%	3.6	0%	3%	3%	29%	66%	100%	3.6																												
Promptness in making rulings and rendering decisions.	0%	0%	10%	30%	60%	100%	3.5																																																	
Hard worker.	0%	5%	5%	22%	67%	100%	3.5	0%	0%	10%	45%	45%	100%	3.4	0%	0%	10%	20%	70%	100%	3.6	0%	0%	3%	11%	87%	100%	3.8																												
Respectful treatment of staff.																																																								
Cooperation with peers.																																																								
Cooperation with staff.																																																								
Efficient management of calendar.	0%	0%	16%	21%	63%	100%	3.5																																																	
Admin. Performance Summary	0%	1%	13%	26%	60%	100%	3.5	0%	1%	12%	42%	45%	100%	3.3	0%	0%	12%	18%	70%	100%	3.6	0%	2%	5%	16%	76%	100%	3.7																												

UN=Unacceptable, PO=Poor
SA=Satisfactory, VG=Very Good, SU=Superior

Surveys were distributed to individuals who had appeared in court between October 1 and December 31, 2010.

Presiding City Judge Recruitment Timeline

(Judge Morgan's Term Expires 3/7/2012)

July 25, 2011 Recruitment opened.**August 24, 2011** Recruitment closed.

- 13 applications were submitted; 10 were forwarded to JAAB for consideration.

August 25, 2011 JAAB convened to review applications;

Six (6) candidates were selected to interview with the JAAB (a minimum of six (6) is required per Code):

Nancy Sorensen, Staff Attorney – City of Mesa Police Department
Orest Jejna, Associate City Judge – City of Scottsdale
Karl Eppich, Municipal Court Judge – City of Mesa
John Lamb, Superior Court Judge – Navajo County
Caron Close, City Prosecutor – City of Scottsdale
Joseph Olcavage, Associate City Judge – City of Scottsdale.

September 24, 2011 JAAB convenes at 7:30 a.m. in HR – Pinnacle Conference Room to:
7:30 a.m.

- Hear public comments on all six (6) candidates being interviewed (as required by City Code);
- Discuss the results of their due diligence reference checking in public with a provision to move into executive session, if necessary, to discuss any confidential information they may have received;
- Discuss interview process and questions that each candidate will be asked;
- Conduct interviews, forty five minutes apart, in public;
 - ❖ The first interview is scheduled to begin at 9:15 a.m. or later contingent upon the number of public comment speakers;
 - ❖ Interviews will be recorded to allow City Council members to view later, at their convenience, and will provide a thorough introduction of each candidate in advance of the interviews with City Council;
 - ❖ The recorded interviews will be posted on the JAAB webpage and will also be available for Council on CDs as of October 7, 2011;
- Discuss and select the top candidates to move forward for interviews with City Council (a minimum of three (3) is required per Code);
 - ❖ Board Members will be provided a rating sheet to utilize during the interviews;
 - ❖ At the conclusion of the interviews, HR staff will rank order the candidates based on the board members' scores to identify the top three (3) candidates;
 - ❖ The floor will then be opened for further discussion of the candidates' qualifications, if necessary, to reach a decision of who will move forward for interviews with City Council.

October 10, 2011

The Honorable Mayor W.J. "Jim" Lane
Members of the Scottsdale City Council
3939 North Drinkwater Boulevard
Scottsdale, Arizona 85251

RE: Three (3) Finalist Presiding City Judge Candidates

Dear Mayor Lane and Members of the City Council:

Based on a thorough screening process of the ten (10) applications received for Presiding City Judge, the following six (6) candidates were selected for interviews with the Judicial Appointments Advisory Board (JAAB) on September 24, 2011:

Nancy Sorensen, Attorney for the City of Mesa Police Department
Orest Jejna, City of Scottsdale Associate City Judge
Karl Eppich, City of Mesa Associate City Judge
John Lamb, Superior Court Judge – Navajo County
Caron Close, City of Scottsdale City Prosecutor
Joseph Olcavage, City of Scottsdale Associate City Judge

Prior to the public meeting on September 24, an extensive reference checking process was conducted on each of the six (6) candidates which included personal conversations between board members and attorneys, peers, subordinates, and personal references identified as individuals who could attest to the qualifications of the applicants for the Presiding City Judge position.

Upon the conclusion of the interviews, the Board deliberated taking into account the interviews, reference checks, and overall qualifications, and voted unanimously (6-0) to highly recommend to the City Council the following three (3) finalist candidates (listed in alphabetical order):

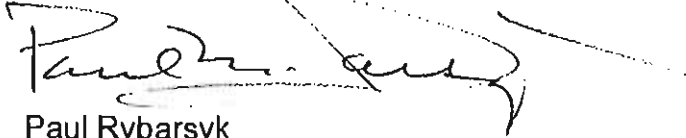
Orest Jejna, City of Scottsdale Associate City Judge
John Lamb, Superior Court Judge – Navajo County
Joseph Olcavage, City of Scottsdale Associate City Judge

The JAAB's selection is based on each of the candidate's previous judicial experience and the outstanding ratings and comments received in regard to

judicial demeanor, knowledge, administrative experience, ability to lead, and commitment to serve.

I extend my thanks to my fellow Board members for their service. We all appreciate the opportunity to help our community and the City of Scottsdale. If you have questions or need further information, please feel free to contact me.

Respectfully,

A handwritten signature in black ink, appearing to read "Paul Rybarsyk", with a long horizontal flourish extending to the right.

Paul Rybarsyk
Chair, Scottsdale Judicial Appointments Advisory Board

cc: JAAB Board Members



DRAFT MINUTES

**City of Scottsdale Judicial Appointments Advisory Board
Regular Meeting
7:30 a.m., Saturday, September 24, 2011
Human Resources Pinnacle Training Room
7575 E. Main Street**

PRESENT*: Paul Rybarsyk, Chair
Donald Alvarez, Vice Chair
Judge Bruce Cohen, Board Member
Dr. Ira Ehrlich, Board Member
Francis Scanlon, Board Member
Kenneth Weingarten, Board Member

*Note: The board member seat filled by an appointee of the Chief Justice of the AZ Supreme Court is vacant and is in the process of being filled.

STAFF: Valerie Wegner
Judy Dewey
Sherry Scott
Bernadette LaMazza
Terry Welker

OTHERS: Janet Cornell

CALL TO ORDER

The meeting was called to order at 7:33 a.m.

ROLL CALL

A formal roll call confirmed the presence of a quorum as noted above.

**1. APPROVAL OF MINUTES OF PUBLIC MEETING CONDUCTED ON
AUGUST 25, 2011**

**BOARD MEMBER EHRLICH MOVED TO APPROVE THE MINUTES OF AUGUST 25,
2011 PUBLIC MEETING. VICE CHAIR ALVAREZ SECONDED. THE MOTION
CARRIED UNANIMOUSLY BY A VOTE OF SIX (6) TO ZERO (0).**

2. PUBLIC COMMENT

Janet Cornell, City of Scottsdale Court Administrator, did not endorse a particular candidate, but asked that the Board consider the tasks that a Presiding Judge is responsible for when determining the applicants to move forward for interviews with City Council. They must be good at caseload management, be able to withstand critical reactions to their decisions, manage budgets, and allocate human resources. They must have high ethical practices and standards. The Court relies on the Presiding Judge to set a vision and make decisions, so it is important that they have prior experience as a judge. A person both new to judging and to administrative tasks would require a significant adjustment period.

She encouraged JAAB to consider candidates with direct prior judicial experience in a comparably sized city court. Because the Presiding Judge must handle judicial and administrative roles, they should possess copious energy, the ability to understand and comply with sometimes competing directives, and be dedicated to the justice system. The candidate should not have conflicts of interest from prior work, other events, or from personal affiliations. It is important that the Presiding Judge be able to assume their new position with as little disruption to the Court process and case conclusions as possible.

3. DISCUSSION OF REFERENCE CHECK RESULTS FOR THE SIX CANDIDATES BEING CONSIDERED FOR PRESIDING CITY JUDGE INTERVIEWS WITH CITY COUNCIL

Vice Chair Alvarez said he was responsible for checking references for Caron Close. He shared that in addition to the references listed on Ms. Close's application, he spoke with several other professionals who have interacted with her in the courtroom. Ms. Close was described as decisive, knowledgeable, respectful, thorough, effective, tough, bright, goal-oriented, organized, well-spoken, efficient, a hard worker, a quick study, and dependable. Vice Chair Alvarez also mentioned that he had received confidential information that would need to be shared in executive session.

Board Member Cohen said he discussed Nancy Sorensen with several people. None of them had anything negative thing to say about her. One respondent gave her the highest possible regard, saying she was friendly but professional, had great administrative skills, and would make a perfect candidate. Another described her as being honest to a fault. A third respondent said that Nancy Sorenson once took over a mess of a case when she was a magistrate in Michigan. Almost every other attorney involved in the case eventually got disbarred, and she was the only one on her side who was considered to have behaved in a truly professional manner. He noted that three of the people he spoke to were opposing attorneys.

Board Member Weingarten looked into references on Judge Jejna, who was recently reappointed as associate judge. He concentrated on getting opinions from the other presiding judges in the Valley, and all of them said his skill is second to none. He is described as being thorough in his administration, he has a strong character, never shows temperament, is a family man, is always prepared, is smart and well prepared. Judge Jejna can weather a political tide, can be patient, wise and can ensure a smooth transition. All five of the presiding judges he spoke to recommended him for the position in Scottsdale. Administrative employees describe him as easy to work with, possesses

ATTACHMENT 6

the energy to do the task, openly expresses his views, and they highly recommend him for the position. He stated that he had additional comments to make in executive session.

Board Member Scanlon reported on his findings on Judge Olcavage, who was also recently reappointed. He focused on asking questions about his organizational skills. Everybody he spoke to loves Judge Olcavage. They said it would be an easy job for him because he runs his calendar so well. He works well with the staff members, and has an open door policy with everyone. One respondent said that Judge Olcavage is head and shoulders above the other candidates. He has a great ability to get along with both sides of a case.

Board Member Ehrlich conducted due diligence on Judge John Lamb, who is a judge of the Superior Court of Navajo County. He asked why Judge Lamb was willing to leave Holbrook after being there for 26 years. Most respondents countered by asking why he stayed there as long as he has. Judge Lamb is very well educated, having studied at Stanford, University of Texas, and Northwestern. He is committed to researching issues. Nobody has bothered to run against him in recent elections. He is described as hard-working, diligent, thoughtful, calm, respectful, dedicated, and absolutely not arrogant about his position. Comments came in from prosecution, defense, and employees. He suggested asking of Judge Lamb why he would be willing to move from a superior court position to a city court judge. He found nothing in his research that would be seen as negative in any sense.

Chair Rybarsyk said he conducted interviews regarding Karl Eppich, who is a City of Mesa Court Judge. He has a law degree from Stanford, and is the President of the Arizona Magistrates Association. Respondents he spoke to described Judge Eppich as being a hard worker, a good educator of judges; he possesses unsurpassed legal skills, is cooperative, extremely bright, has a good demeanor, and would absolutely make an outstanding Presiding Judge. He takes the job seriously and views it as a public service. When asked about Judge Eppich's reasons for leaving the Mesa Court, one respondent said it is because he wants to be a leader. One attorney stated that even though Judge Eppich has ruled against her on occasion, his rulings are always fair, and his temperament is great. Chair Rybarsyk said everything he heard about him was extremely positive.

4. DISCUSSION OF CONFIDENTIAL INFORMATION, IF ANY, RELATED TO THE QUALIFICATIONS OF THE PRESIDING CITY JUDGE CANDIDATES DURING AN EXECUTIVE SESSION

VICE CHAIR ALVAREZ MOVED TO ENTER INTO EXECUTIVE SESSION. BOARD MEMBER WEINGARTEN SECONDED. THE MOTION CARRIED UNANIMOUSLY BY A VOTE OF SIX (6) TO ZERO (0).

The executive session lasted from 8:04 a.m. to 8:38 a.m.

5. DISCUSS QUESTIONS AND PROCESS FOR PRESIDING CITY JUDGE INTERVIEWS

The Board reviewed the set of questions for the formal interviews. Chair Rybarsyk said that in fairness, all candidates should be asked the same set of questions. Each

candidate would be interviewed for up to 45 minutes. Following the set of standard questions, each Board Member could ask an additional question.

Board Member Ehrlich inquired whether candidates could ask questions of the board. Chair Rybarsyk responded that they should be allowed to ask for clarification. He reminded the Board that they cannot probe into personal issues such as their marital status, nationality, religion, etc. Questions should focus solely on their abilities, experiences, and on general inquiries regarding complaints made against them.

Valerie Wegner stated that once the interviews were finished, each Board Member would rank order each of the six candidates prior to beginning discussions. City Council will be made aware of the Board's rankings. Sherry Scott added that the Board's notes would also be public record. Ms. Wegner said it would be acceptable to ask probing questions based on how candidates responded to the standard questions.

6. PRESIDING CITY JUDGE INTERVIEWS

Nancy Sorensen, Staff Attorney - City of Mesa Police Department

What do you see as the role of the Presiding Judge?

Ms. Sorensen said a Presiding Judge is a leader of the courthouse, a leader in the community, and serves as a bridge between the City and the court system.

What knowledge, skills, and abilities do you think are important to a Presiding Judge?

Ms. Sorensen stated that they should possess respect for the individuals they work with, and the culture of the work environment. They should not be quick to change everything before understanding the situation. Patience and kindness are extremely important. She has seen many different leadership styles and these qualities are shared by the best. She identified knowledge of the profession, court proceedings, legal knowledge, case management, cost reduction skills, and organizational plans as key qualities for a Presiding Judge. When she was in Detroit in 2005, her department had to severely cut back on personnel while maintaining the same heavy caseload.

How can the cost of judicial administration be reduced? As a supervisor, have you had any experience in reducing costs and in creating a budget?

Ms. Sorensen responded that she has never created a budget, but in each cost cutting initiative, she was told the number of people she had to work with and had to find a way to make it work. It is a very difficult process, since each cut is a cut in service to the community. If she was required to reduce costs in a courthouse, she would talk to each of the employees first to get their input on the best way to implement reductions.

Have you ever thought about a decision on a case and wished you had handled it differently?

Ms. Sorensen said when she was first appointed as a magistrate in Michigan, she was advised not to second-guess her decisions. She did, however, change a decision in one case, though she was unable to recall the specifics.

Describe a situation in which you made an unpopular decision that angered and offended others, and how you dealt with that?

ATTACHMENT 6

Ms. Sorensen gave an account of an incident where a homeowner shot a process server who came to his house. She released him after he posted bond, and the community was outraged. She stated that she did not respond to media requests, but stuck by her decision. As a managing attorney in Detroit, she moved forward on a case involving a controversial art installation that pitted the artist against residents. The city eventually took down the installation.

Ms. Sorensen said she was the managing attorney in several police misconduct issues. In one case, 17 Detroit police officers were indicted by the federal government for civil rights violations. Eight went to trial and they were all acquitted. She later determined that three of those officers should be terminated, which was not a popular decision within the department, though the community was pleased. She was assigned a case when a police officer started a website to disparage the Detroit PD and its chief. It was filled with rumors and innuendos, but also revealed confidential information about mobility forces. The officer later sued for wrongful termination and for violating the public employees' law. The case was controversial because many officers saw the man as their hero. The civil litigation case prevailed in the Court of Appeals, but the Michigan Employment Relations Commission decided that some of the web activity was actually protected.

Could you describe your experiences working with other associate judges, and in particular court administrators?

Ms. Sorensen explained that she served as a magistrate at the Michigan 48th District Court from 1986 to 1994, and prior to that she was the law clerk for the Chief Judge. She has experience interacting with judges on different levels. Before computer technology became commonplace, staff had to be very organized and work closely with each other to manage caseloads. The 48th District Court is similar to Scottsdale in size and character, but the 36th District Court, where she later worked, is much larger and more urban in nature. When she first arrived, it was severely understaffed and the situation was in chaos. She worked closely with the court administrators to organize the caseload there.

Do you foresee any potential conflicts of interest that you might have from prior employment?

Ms. Sorensen responded that she cannot foresee any problems. If she were to encounter a conflict, depending on its nature, she would either recuse herself or offer full disclosure. She once had to file a disciplinary grievance against an attorney who was eventually disbarred for engaging in egregious conduct that jeopardized the City of Detroit. She does not recall ever having to recuse herself as a magistrate, however, though she would have if necessary.

Board Member Weingarten inquired about the transition from a staff attorney to a presiding judge. Ms. Sorensen explained that she left her magistrate position in Michigan because she felt it was important to get litigation experience. It would not be difficult to transition to a judge, because she has been one before. The additional litigation experience she has acquired will make her a better judge. She is used to working with city leaders in Mesa, and making the transition to a leadership position as a presiding judge would not be difficult.

Chair Rybarsyk asked how she would handle complaints from the Police Department. Ms. Sorensen responded that it depends on the nature of the complaint. A demeanor

ATTACHMENT 6

complaint has to be handled directly with the subject of the complaint. If someone disagrees with a judge's decision, they have to be made aware that they have rights. Chair Rybarsyk noted that in Scottsdale's court, the state's witness is more than likely going to be a police officer. He inquired whether Ms. Sorensen's experience with police officers would create favorable bias. Ms. Sorensen responded that she would be completely unbiased, having no preconceived notions that a police officer is always correct. She makes decisions based on the facts presented.

Board Member Cohen asked about coming into leadership positions above people who have long been established in their roles. Ms. Sorensen explained that she assimilates very well. When she came to Mesa, everyone was kind, and the transition was smooth. Issues faced by large metropolitan areas are essentially the same everywhere. She works hard to form strong bonds with coworkers. She noted that her family has lived in the East Valley for nearly 20 years. She does not anticipate that the transition to Scottsdale would be more difficult than the transition to the 36th District Court in Detroit.

Chair Rybarsyk inquired how she would react if asked by City Council to make budget cuts that would impair the Court's ability to properly serve the public. Ms. Sorensen responded that she would discuss the issue with the City Council after thoroughly examining the situation and gaining an understanding of how it would impact the administration of justice.

Judge Orest Jejna, Associate City Judge - City of Scottsdale

What do you see as the role of the Presiding Judge?

Judge Jejna saw the transition from Associate Judge as a small one. Interaction with staff will increase. The Presiding Judge serves as a bridge between City Council and the Court.

What knowledge, skills, and abilities do you think are important to the Presiding Judge?

Judge Jejna said communication and interpersonal skills are the most important skills for good leadership.

How can the cost of judicial administration be reduced? As a supervisor, have you had any experience in reducing costs and in creating a budget?

Judge Jejna explained that he created budgets for his private practice, and in several business ventures. In the Scottsdale Court, he helped save money by ensuring that individuals who were coming in on warrants were dealt with by the prosecutors in the same day. Prior to that change, cases were either not getting disposed of, or they would remain in the jail adding to the City's cost. This change also increased the efficiency of the Court.

Have you ever thought about a decision on a case and wished you had handled it differently? Judge Jejna responded that judges second-guess themselves all the time and this is a healthy process. One time in a DUI case, the defense urged him to proceed with a submission, and the state objected. He overruled the objection, and took the submission. The decision later bothered him and he informed the counsels that he felt the state should file a motion for reconsideration. Ultimately, they did so, and three weeks later both parties came up with a satisfactory resolution.

ATTACHMENT 6

Describe a situation in which you made an unpopular decision that angered and offended others, and how you dealt with that?

Judge Jejna said that in litigation, one party is always unhappy. One man had to serve 165 days of home detention. After serving 126 days successfully, the individual came up with a potential violation. The state wanted the person detained, but he opted to grant the individual his due process, since he believes that it is an important part of the Constitution. The individual remained on home detention throughout the process, and eventually gained enough days to complete the 165 days sentence. Due process is a basic tenet, and he would not go against it, even if it angers people as a result. Both sides should have their day in Court.

Could you describe your experiences working with other associate judges, and in particular court administrators?

Judge Jejna said he would make himself available to the Court Administrator, and has in the past whenever questions arise.

Do you foresee any potential conflicts of interest that you might have from prior employment?

Judge Jejna said he does not foresee any conflicts. After years as an Associate Judge, all potential conflicts have been resolved. He reaches out to both sides equally, and is concerned about maintaining integrity. The community wants judges to be compassionate and balanced.

Chair Rybarsyk inquired whether Judge Jejna was ever involved in Court budget decisions. Judge Jejna said he could not recall being asked for input on a specific budgetary issue. Typically they have been handled by the Court Administrator and Judge Morgan. Chair Rybarsyk asked whether he would foresee any problems in relating to staff as a Presiding Judge after having worked with them in the capacity of an Associate Judge. Judge Jejna said that the staff is generously considerate of his feelings, and are receptive to him becoming their chief. They are familiar with his personality already. Managers have to make difficult decisions. He generally does not socialize with court staff after hours.

Vice Chair Alvarez asked about new policies and procedures that he would implement as Presiding Judge. Judge Jejna stated that the Court currently has several ongoing priority projects under review, including an effort regarding the Homeless Court, reevaluating the DUI Court, and reevaluating the domestic violence procedures. He would support continuing the effort to have those programs fully vested. He would review policies regarding customer service and IT issues, and be open to staff and City Council suggestions for ways to improve the way things are done at the Court. Scottsdale has a high performance court that adheres to national standards. It would be premature to change things immediately, without understanding why they are done the way they are.

Judge Jejna said the Jail Court has to handle certain individuals quite frequently. They place a burden on the system and the community. Typically they are homeless and/or have mental health issues. They rarely have anyone they can turn to for guidance. The Homeless Court can address those who simply need help getting back on their feet, but many have chronic issues that are not easily addressed. This is both a social problem, and a monetary problem. He would like to study the issue further to see if their needs could be better addressed, and he would like to cut the cost to the City. In general, the

ATTACHMENT 6

policies at the Court work well. As an Associate Judge, he is able to exercise true discretion.

Chair Rybarsyk inquired about what Judge Jejna would do if City Council asked him to reduce the budget to the point where it would affect the orderly administration of justice. Judge Jejna said he expects that such a scenario is likely, given the current economy. He would consult staff to get their input on whether the budget was as efficient as it possibly could be. If nothing further can be cut, he would lobby the City Council and Mayor, and give them the complete picture of the situation. Increased communication is important, and he feels he has tools necessary for that job.

Board Member Ehrlich inquired whether Judge Jejna's relationship with the other Associate Judges would be an advantage or a disadvantage. Judge Jejna said he does not anticipate a problem. The judges work well as a team, and they understand each other's nuances. There has never been discourse between the judges.

Judge Karl Eppich, Municipal Court Judge - City of Mesa

What do you see as the role of the Presiding Judge?

Judge Eppich said he would be responsible for the overall operation of the court, both the administrative and judicial functions. The determination of individual cases are retained by Associate Judges, but he would see that the Court overall is operating in accordance with its Constitutional obligations. He would ensure that the Court is meeting its objective of dispensing justice in a fair, impartial, and efficient manner that inspires public confidence.

What knowledge, skills, and abilities do you think are important to the Presiding Judge?

Judge Eppich responded that the Presiding Judge must have all the same skills that the Associate Judges have. They should be able to communicate effectively, get along with people, and view things based on evidence and persuasive arguments. Much of what the courts can do administratively is controlled by the Constitution and by statutes and ordinances. Beyond that there is the opportunity to use discretion, and this requires sound judgment. He has a good feel for what is working and not working around the state, and can apply this knowledge to Scottsdale's Court. While he has not prepared a budget for a large organization, he would rely on staff to help him through the intricacies of the process.

How can the cost of judicial administration be reduced? As a supervisor, have you had any experience in reducing costs and in creating a budget?

Judge Eppich said that in Mesa, budget issues come up frequently in judges' meetings. In terms of cost savings, no area should be off limits from consideration. Cuts do not always have to be dramatic; they can come from many small reductions. Technology costs money up front, but can save much in the long run. Mesa no longer issues warrants for failure to pay fines outside of restitution cases, and puts a greater emphasis on collections now. Custodial costs went down significantly by having court employees empty their own trash.

Have you ever thought about a decision on a case and wished you had handled it differently?

ATTACHMENT 6

Judge Eppich said all judges have probably felt they could have explained the reasons for their decisions more clearly at times. Clear explanations help build confidence in the court, and even those on the losing end are more likely to respect the decision. It also helps the appellate court if the explanation is clear.

Describe a situation in which you made an unpopular decision that angered and offended others, and how you dealt with that?

Judge Eppich said a clear explanation helps avoid that kind of situation. One young man who was found guilty of threatening a police officer reacted quite badly to the decision. As judge, he de-escalated the situation by calmly explaining his decision and offering him an opportunity to make an apology. In cases where the hostility is high, it is sometimes better to let the situation diffuse itself before issuing a written ruling later.

Do you foresee any potential conflicts of interest that you might have from prior employment?

Judge Eppich stated that he has no conflicts of interest, since he has been a judge for so long.

Chair Rybarsyk inquired whether the transition from an Associate Judge to a Presiding Judge would create problems. Judge Eppich explained that he does not have a dictatorial personality. His approach is to be collaborative and to get input from those who might be affected by policy changes. It is not his role to decide cases for the Associate Judges. He knows and likes all the judges in Scottsdale and does not see any personality issues.

Chair Rybarsyk inquired what Judge Eppich would do if City Council asked him to make budget cuts that would affect the administration of justice. Judge Eppich said he would sit down with City Council to provide a well-reasoned explanation as to why the cuts would impair the court's ability to fairly and impartially adjudicate cases. He would try to persuade them to find another solution. Mesa's court budget has been cut down to the bone, and they have had to find legitimately available revenue sources. He believes that reasonable people can arrive at consensus without having to resort to a struggle, which should be avoided at all costs.

Vice Chair Alvarez asked about Judge Eppich's familiarity with the Scottsdale Court. Judge Eppich said he is not familiar with specifics. Municipal courts tend to operate similarly, since they all have to answer to the Supreme Court. His ability to come into Scottsdale with no preconceived notions would allow him to see how things operate before making any changes. Vice Chair Alvarez inquired about policies and procedures that Judge Eppich would like to see implemented. Judge Eppich responded that Scottsdale uses home detention like Mesa does, and he has reservations about the policy. It does not seem terribly punitive, but the city saves on jail costs. He would look into its overall effectiveness, especially to see whether the cost to operate the program is worth it. He would also look into calendar management to see if it is working well for Scottsdale.

Board Member Ehrlich noted that in the past, City Council has required that Scottsdale judges live within Scottsdale. He inquired whether Judge Eppich would resign if that requirement was imposed. Judge Eppich explained that he is willing to move but is simply unable to, since he bought his current house in the spring of 2007. If he is

offered the position, he would assume that it is with the understanding that he would not be asked to move.

Judge John Lamb, Superior Court Judge - Navajo County

What do you see as the role of the Presiding Judge?

Judge Lamb responded that ultimate decisions belong to the Presiding Judge, but they should get input from staff, especially the Court Administrator. Presiding Judges ensure that the Court runs efficiently, while allowing citizens to feel as though they had their day in court. They have to balance administrative and judicial roles.

What knowledge, skills, and abilities do you think are important to the Presiding Judge?

Judge Lamb said he has long observed human nature and has learned from other presiding judges. In the Scottsdale City Court, he would take small steps, rather than making many changes at once. Some presiding judges do not want to make decisions out of fear of offending one side or the other. He developed his own leadership traits by emphasizing people skills. He enjoys taking input from many different people, and helps employees feel as though their input makes a difference.

How can the cost of judicial administration be reduced? As a supervisor, have you had any experience in reducing costs and in creating a budget?

Judge Lamb explained that he would talk to presiding judges at other courts about ways they have found to cut costs. He would talk to every employee in the court system to get their ideas. In the Superior Court, he saved money by sending people to DOC right away, rather than sending them to jail for 30 days as they waited for their pre-sentence report. He discovered that there was no rule requiring a pre-sentence report, it was just done that way by tradition. There are always sensible ways to save money.

Have you ever thought about a decision on a case and wished you had handled it differently?

Judge Lamb stated that he changed his decision only one time. It was a case involving a woman who used drugs but had suffered from severe abuse. He only was overturned twice on appeals in 17 years: one decision he disagreed with, and the other he agreed, based on a change in the law that came after his decision. He does not agonize over decisions once he makes them, since he takes the time to carefully consider everything before making a decision.

Describe a situation in which you made an unpopular decision that angered and offended others, and how you dealt with that?

Judge Lamb said he has made decisions where the entire court room wanted one result and he decided the opposite. He opts for what he thinks is right, and tries to explain himself and his ruling. It is normal for Superior Court judges to be appealed on every trial; that is not the case in the lower courts.

Do you foresee any potential conflicts of interest that you might have from prior employment?

Judge Lamb stated that he saw no conflict of interest. He has an advantage coming from outside the community, since he knows nobody in the area.

ATTACHMENT 6

Chair Rybarsyk inquired about having to create a budget. Judge Lamb said he created budgets for the City Court and Justice Court. He also started his own business, growing it from a one-person firm to a 100-person firm in three states. As a City Councilman in Holbrook, he formulated the City's budget.

Chair Rybarsyk queried what Judge Lamb would do if City Council asked him to cut the Court budget enough that it would affect the orderly administration of justice. Judge Lamb responded that he would first try to find out why City Council was proposing the cuts. Each situation is different. He likes to work with the other branches to find an acceptable solution. He has learned that it is counterproductive to take a hard-line stance on every issue. It is wiser to pick out the important battles. He prefers compromise over fighting.

Chair Rybarsyk asked about Judge Lamb's primary motivation in wanting to move from Holbrook to Scottsdale. Judge Lamb said he loves his current job, but he sees the Scottsdale Presiding Judge job as the number one job in the Arizona judiciary. He feels that his skill set is a perfect fit for the job. He would not leave his current position for any other job. He did not apply to a Court of Appeals position that recently opened, but he feels he is better suited for this job anyway. The Presiding Judge job would allow him to handle trials while still leading an organization. He would welcome a change in culture as well.

In response to an inquiry from Vice Chair Alvarez, Judge Lamb said he handled 7,000 cases last year as a limited jurisdiction court judge, the most of any in the county. Vice Chair Alvarez asked how he would adjust his workload to handle the 12,000 cases that the average Scottsdale judge handles. Judge Lamb said as a Superior Court judge, he has to deal with a lot more motions. The last civil case that went to trial produced 40 motions, but he was never overturned. He has always worked hard, and sees no problem handling the caseload. Vice Chair Alvarez inquired about the policies and procedures that Judge Lamb might want to install as Presiding Judge. Judge Lamb explained that he learns more from the regular employees than he does from the supervisors. He would take time to become knowledgeable and comfortable with the situation before proposing any specific changes. He does not like to waste money, especially money that belongs to the public, and is sure he could find cost savings, as he has done so in every other court.

Board Member Ehrlich inquired about the challenges of going from a Superior Court position to a City Court position. Judge Lamb said he saw no problems. A judge who takes their job seriously approaches it the same way regardless of the level. The people who appear before a judge expect their issue to be treated with as much importance as any other. The judge has to respect that. Every judicial position presents challenges.

Caron Close, City Prosecutor - City of Scottsdale

What do you see as the role of the Presiding Judge?

Ms. Close said the Presiding Judge in Scottsdale has a judicial aspect and an administrative aspect. They have to be able to both run a courtroom and be in charge of making policy and budgetary decisions for the department.

What knowledge, skills, and abilities do you think are important to the Presiding Judge?

ATTACHMENT 6

Ms. Close responded that she has demonstrated the necessary skills as the City Prosecutor. It requires the ability to organize and run an office, make policies, and give direction on how to best implement them. She said that as a leader she is compassionate with employees. She is a very hands-on boss, and understands what each person on her staff does. The Presiding Judge has to understand the courthouse and what every employee does.

How can the cost of judicial administration be reduced? As a supervisor, have you had any experience in reducing costs and in creating a budget?

Ms. Close responded that every year, as City Prosecutor she works on the budget for her office and the budget for the Victim Services Division. The last few years have required budget reductions, and she has had to find ways to compress staff and be more efficient. Part of the solution was to streamline processes by using technology. Even in strong economic times, it is important to spend money wisely.

Have you ever thought about a decision on a case and wished you had handled it differently?

Ms. Close stated that everyone looks back and wishes they had done some things differently. She takes time to process information before making decisions. When leaving the courtroom, she is confident that she has done her best, because she took the time beforehand to prepare.

Describe a situation in which you made an unpopular decision that angered and offended others, and how you dealt with that?

Ms. Close explained that as an administrator, she makes personnel decisions. One of her goals was to reduce turnover, which was high when she started, but today there is very little. The downside is that there is very little movement within the office. When positions open, it is important to reward people who have stayed with the department by letting them move up. She once promoted an employee who lacked seniority, and even though it was an unpopular decision at the time, it has proven sound over time.

Do you foresee any potential conflicts of interest that you might have from prior employment?

Ms. Close stated that she has looked into the Judicial Code of Conduct. There is specific language about government employees. Last year, her office dealt with 18,000 cases, and cases move through the system very quickly. Some cases she has substantial knowledge of, will inevitably come before her as a judge, and she has to be prepared to move aside when they do. After about six months, those cases will have worked through the system, and this would no longer be an issue. On a personal level, she does work with prosecutors. The criminal field of lawyers is very small. She knows the defense attorneys also. She understands her role, even as it changes, and would take the role of judge seriously.

Vice Chair Alvarez inquired whether Ms. Close perceived any conflict with any of the prosecutors she has supervised. Ms. Close said the rules of conduct do not prohibit that. From a personal standpoint, she would be going from one leadership role to another. Those she has worked with know how fair she can be. They know that she is going to do the right thing, even if it means deciding against someone she knows and likes as a person. Vice Chair Alvarez asked whether Ms. Close would feel the need to recuse herself from cases that involved former coworkers, the way judges in civil cases do. Ms. Close explained that the rules explain the differences between government

ATTACHMENT 6

employees, and persons of private practice who are prohibited from judging over former partners for a period of four years. Because there are so many employees in a public defenders or prosecutors office, it would be very difficult to not ever have a previous associate appear before them.

Chair Rybarsyk noted that even if she did not preside over a particular case, a defendant could see that their former prosecutor was now the Presiding Judge over the Court, and that this could appear improper to them. Ms. Close responded that all judges would need to be cognizant of the situation. Currently in her office, certain prosecutors are walled off from particular cases if it would appear inappropriate. The law allows for this to happen, and the bench certainly would have the ability to keep her away from the case.

Chair Rybarsyk inquired about Ms. Close's relationship with the police officers who are most often the witnesses that appear for the state. Ms. Close said that as prosecutor, she does not consider police officers to be her clients. If she was to recuse herself from a case, it would have to be a very unusual situation. She has a longstanding professional relationship with the Scottsdale PD, but no personal relationships. As a prosecutor, she has dismissed legally insufficient cases, even though the officers wished she had not done so.

Chair Rybarsyk asked about the budget process between City Council and the City Prosecutor's Office. Ms. Close explained that when City Council requested budget cuts, the heads of the City Attorney's Office examined the work flow to identify ways to reduce costs. Some people voluntarily left through retirement, but enough remained to require tough decisions. Some of the budgeting decisions made by Council included the entire Victim Services Division. She had the opportunity to explain what the Division brought to the citizens of Scottsdale, and gave them the information they needed to make their decisions.

Board Member Cohen said he understood the ability of judges to quickly be able to shed their advocacy once they take the bench. He noted, however, that the Code of Conduct also talks about the appearance of impropriety. He inquired about situations where a defendant could see that Ms. Close, their former prosecutor, was now Judge Close presiding over their case. Ms. Close explained that such situations would only occur over a certain time frame. The most important thing is that litigants truly believe that they have an impartial judge sitting in front of them. At times she would have to step away from a case, because of the appearance of impropriety.

Chair Rybarsyk asked how Ms. Close would handle a request from City Council to cut the Court budget down to the point where it would hinder its ability to dispense justice. Ms. Close responded that nobody cuts budgets without believing it harms morale in the office. Her staff was asked to do more work with less as they absorbed other people's positions. While the Court is an independent judiciary, they are still part of the City of Scottsdale. If Council believes that the City needs to reduce its budget, the Court is part of the process. She would examine the situation to make it more efficient. Budget cuts are hard on everyone, but every department is responsible for doing their part.

Vice Chair Alvarez inquired about the policies and procedures Ms. Close would want to change or implement if she became Presiding Judge. Ms. Close said that as a leader, it would be a mistake to change everything upon arrival. There is a lot about the City

ATTACHMENT 6

Court that is working really well. As a prosecutor, she sees some things that can be improved, but until she has a chance to meet with staff and understand why they do things the way they do, she would not want to propose any specific changes. The judiciary needs to stand free from any influence, but they also have to understand that they are part of the City, and what they do impacts other people. Jail costs, for instance, are a huge issue. The Court controls those costs, but the Police Department pays that bill. If the program could be changed to allow cases to be resolved earlier, then the City would not necessarily have to spend money on pre-conviction incarcerations.

Ms. Close said the Domestic Violence Court should be handled by a judge who truly understands the differences in those types of cases. Judge Olcavage has been handling these cases very well, but she would explore whether the program needed to be expanded to two courtrooms, and whether other changes were required to handle the volume of those cases. The home detention program could also benefit from being handled in one courtroom, so that the same judge is seeing all of those violations and is making the same types of decisions.

Chair Rybarsyk asked whether Ms. Close's lack of judicial experience would detract from her ability to be an administrator in the court. Ms. Close said that she has been a good administrator for ten years. She has litigated from both sides, and understands how the court works and understands the law. The learning curve is not going to be significant, and would not detract from the administrative side at all.

Judge Joseph Olcavage, Associate City Judge - City of Scottsdale

What do you see as the role of the Presiding Judge?

Judge Olcavage responded that the Presiding Judge supervises and manages the court efficiently to ensure that people can get in and out in a reasonable manner. As a steward of the City they must try to keep budget costs as low as possible while still preserving Constitutional rights. The Presiding Judge must make sure that the Court is tapping into all the available funding sources. He drafted a technology and security enhancement fund, which Council approved. Now everyone who is found or pleads guilty is charged a fee to ensure the safety of the people who work at and use the court. The Presiding Judge has to understand what is going on in the Courtroom, and not micromanage. Employees with the proper education, training, experience, and resources should be allowed to do their job. If they need help, the Presiding Judge should provide it. On the other hand, he likes to meet with employees regularly to understand what is going on. Employees are experts in their fields. They are the best asset and should be involved in the decision-making process. An otherwise brilliant idea might actually set them back. He believes in rotating certain positions so that employees can get experience in more than one area. The Presiding Judge should give the employees the best opportunity to succeed.

How can the cost of judicial administration be reduced? As a supervisor, have you had any experience in reducing costs and in creating a budget?

Judge Olcavage stated that when he was the City Prosecutor he found that the diversion program was costing the City money. He instituted a \$100 court cost, and now the City no longer has to subsidize that program. The most intensive part of the Domestic Violence Court is the probation process. Changes were made to save personnel time associated with these probations. The Court reduced workload by dismissing pre-adjudicated cases that have seen no action in five years. The Prosecutor has the option

to respond to these dismissals. The employees are an excellent source of ideas for innovation.

Have you ever thought about a decision on a case and wished you had handled it differently?

Judge Olcavage said that trial judges have to make decisions in a split second. If later he determines that he made the wrong decision on a particular objection, he would correct it the next time such a situation presented itself.

Describe a situation in which you made an unpopular decision that angered and offended others, and how you dealt with that?

Judge Olcavage explained that when he had a private practice, he represented a defendant who was accused of shooting a dog when nobody else would. During the course of the trial, the courtroom was full of angry animal rights people who were hostile to him. When he was Assistant City Attorney, a neighborhood was outraged over proposed changes at a local bar. He urged them to calm down and find a solution to the problem. When he wrote an ordinance for the City Attorney's Office, there were all sorts of different views on it, and the situation was a real mess. Eventually he was able to patiently work through the matter and find a solution most people were happy with.

He recalled trying a DUI case in which Chair Rybarsyk appeared for the defendant. Judge Olcavage ruled against him and Chair Rybarsyk appealed the case. His decision was upheld by both Superior Court and the Court of Appeals.

Board Member Cohen inquired about Judge Olcavage's greatest strength applicable to Presiding Judge. Judge Olcavage responded that patience and innovation are his two best qualities. There is always room for improvement. He noted recent innovations in court scheduling, and in the order in which arraignments are handled. These procedures have helped streamline the process, and citizens often express gratitude for the time they saved.

Do you foresee any conflicts with other judges or court personnel if you are appointed as Presiding Judge?

Judge Olcavage said he saw no problems. Lawyers often have to switch between the roles of prosecutor and defense attorney, but they realize they have a job to do, which is to represent their client to the best of their ability. A Presiding Judge has to make sure that the Court is operating efficiently, and that the employees are provided with all the assets they need to do their job. He has always maintained an open door policy. The nice thing about Scottsdale is that the judges are all willing to help each other out.

What policies, procedures, or programs would you like to see either implemented or changed in the court if you were the Presiding Judge, and how would you go about implementing them or changing them, and why?

Judge Olcavage explained that since the Court is running smoothly right now, he likely would not change anything. He would first learn more about the situation before proposing any improvements.

ATTACHMENT 6

7. DETERMINE PRESIDING CITY JUDGE APPLICANTS TO MOVE FORWARD FOR INTERVIEWS WITH THE CITY COUNCIL

Each Board Member ranked the candidates in their order of preference, and Terry Welker reviewed the combined results. Chair Rybarsyk noted near unanimous agreement on the top two candidates: Judge Olcavage and Judge Jejna. They have both been with Scottsdale for many years and are familiar with the Court. JAAB has to select at least three candidates to forward to Council. Judge Lamb, Nancy Sorensen, and Judge Eppich all ranked relatively close.

Board Member Scanlon said the Court needs a female judge and he supported Nancy Sorensen. Chair Rybarsyk noted that all the candidates would be eligible for consideration for the Associate Judge position, should Council appoint an internal candidate. Vice Chair Alvarez said he had a hard time deciding between Judge Lamb and Nancy Sorensen. He opted to rank Ms. Sorensen higher because she has more experience in a high-volume court like Scottsdale's. She presented herself well and gave good answers. Board Member Ehrlich felt she did not answer questions the Board asked, and did answer questions that were not asked.

The Board agreed that they would only submit three candidates. Board Member Weingarten felt that Judge Lamb appeared to be inarticulate, slow to respond, and unsure of himself. He questioned whether he would be able to work well in a fast-paced environment. Board Member Ehrlich doubted that would be the case at all. His references indicated that he was a fast worker and is promptest in finishing assignments. All of them said he was far and away the most responsive and responsible member of the committees he worked on.

Chair Rybarsyk noted that Board Member Weingarten gave Judge Lamb the lowest possible score, which skewed the results. The lawyers in Navajo County say he is the best judge there. His qualifications are very good. He said he ranked Judge Lamb just below Judge Eppich who shares similar credentials, but is a local judge with major city experience. Board Member Scanlon said his main concern with Judge Lamb is that the court he is familiar with is not as fast paced as Scottsdale's. Board Member Cohen disagreed, saying the pace would be similar. Part of the problem is that Scottsdale's Court is one division smaller than it should be, but he noted that smaller courts like Holbrook have fewer resources and fewer judges, which puts even greater pressure on those who are there. Their time management skills have to be very strong. He characterized Judge Lamb not as slow, but as deliberate, which is a sign of a thoughtful leader.

CHAIR RYBARSYK MOVED TO FORWARD JUDGE JOSEPH OLCAVAGE, JUDGE OREST JEJNA, AND JUDGE JOHN LAMB TO CITY COUNCIL FOR INTERVIEWS. BOARD MEMBER EHRLICH SECONDED. THE MOTION CARRIED UNANIMOUSLY BY A VOTE OF SIX (6) TO ZERO (0).

8. FUTURE AGENDA ITEMS

Ms. Wegner indicated that staff would prepare a draft letter to City Council detailing the results of the meeting. Chair Rybarsyk noted that a letter is also being drafted regarding JAAB's recommendation to change to four-year reappointment terms.

ATTACHMENT 6

Ms. Wegner noted that this would be Chair Rybarsyk's last meeting due to the completion of his second three year term on the Board mid-October. She thanked Mr. Rybarsyk for his service to the City of Scottsdale and its citizens.

Mr. Welker stated that the three recommended candidates would see Council in a special session on October 27. The final appointment would depend on the results of that meeting. If the Presiding Judge is an internal candidate, JAAB would meet again to discuss appointing someone to the newly vacated Associate Judge position. Otherwise JAAB would have little work to do in the short term.

ADJOURNMENT

With no further business to discuss, being duly moved and seconded, the meeting of the Judicial Appointments Advisory Board adjourned at 3:26 p.m.

Respectfully submitted,
Valerie Wegner
HR Management Analyst

Reviewed by,
Donald Alvarez
JAAB Vice Chairperson

Stevens, Katie

From: renee.j.scatena@intel.com
Sent: Wednesday, October 26, 2011 10:22 PM
To: Jagger, Carolyn; Stevens, Katie
Subject: Agenda Item Comment for 10/27/11 - Item 1

Meeting Date: 10/27/11
Item Number: 1

Contact Information (if blank, user did not provide):

Name: Renee Scatena
Address: 20514 N. 83rd Place
C/S/Z: Scottsdale , AZ 85255
Phone: 480 280 2789

Comment for 10/27/11 Item 1:

Orest Jejna is an outstanding Judge and member of our Scottsdale community and we would be honored to have him in the position as Presiding Judge.



Surprise City Court
16081 N. Civic Center Plaza, Ste. 105
Surprise, AZ 85374
Phone: 623.222.4821
Fax: 623.222.4801

October 27, 2011

Mayor and City Council
City of Scottsdale
3939 N. Drinkwater Blvd
Scottsdale, AZ 85251

Attn: Ms Carolyn Jagger

Re: Orest Jejna

Dear Mayor and Council:

I am pleased to support the nomination of Judge Orest Jejna for the position of Presiding Judge of the Scottsdale Municipal Court. He is an excellent jurist. I have known Orest since my initial appointed to the Phoenix City Court Bench in 1999. At that time he was representing defendants as a contract public defender and private defense attorney in the Phoenix Municipal Court, as well as maintaining a successful private criminal and personal injury law practice. Between 1999 and 2001 Orest appeared in my courtroom for various proceeding, including motions, pleas and trials. He was always well prepared, knowledgeable, ethical and courteous. It was a pleasure to have Orest in court. He was very personable and invariably displayed the highest levels of professional conduct. I was extremely delighted to learn in 2001 that he had been appointed an associate judge of the Scottsdale Municipal Court.

My contacts with Orest since his appointment have been limited to judicial meetings, conferences and associations. He fully participates in organizational activities, assuming leadership positions, and willingly shares his knowledge and experience with others. Orest is enthusiastic about being a judge and strives to be the best.

The challenges facing a presiding judge are predominantly policy, planning and administrative. As the head of the third branch of government, the presiding judge is constantly required to exercise superior judgment, reflective of the dynamics of the multiple relationships the court maintains with the city council, the city manager, the police, other courts and the community. Orest's experience in establishing and operating a restaurant business in the newly liberated republic of Ukraine is strong evidence of his grasp of the essential principles of leadership that are necessary to be a successful presiding judge. The extent and depth of his judicial knowledge and experience make him a very suitable candidate for the position of presiding judge of the Scottsdale Municipal Court. I highly recommend him for appointment.

Cordially,

George Logan,
Presiding Judge